

# EXHIBIT F

In The Matter Of:  
*J.D. JAMES, INC. v*  
*AUTOZONERS, LLC,*

*SAKET CHAUDHARI*  
*February 22, 2018*

*Accurate Stenotype Reporters*  
*2894-A Remington Green Lane*  
*Tallahassee, Florida*

Original File 022218 CHAUDHARI DEPS\_SAKET CHAUDHARI COMPLETE.txt  
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APPEARANCES:

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ACCURATE STENOGRAPHY REPORTERS, INC.

THE CIRCUIT COURT OF THE  
 SECOND JUDICIAL CIRCUIT,  
 IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO. 2017-CA-0162

J.D. JAMES, INC. D/B/A NATURE  
 BRIDGES,

Plaintiff/Counter-Defendant,  
 vs.

SAKET CHAUDHARI,

Defendant/Counter-Plaintiff.

DEPOSITION OF: SAKET CHAUDHARI

TAKEN AT INSTANCE OF: The Plaintiff

DATE: February 22, 2018

TIME: Commenced at 11:14 a.m.  
 Concluded at 5:25 p.m.

LOCATION: 2894 A. Remington Green Lane  
 Tallahassee, Florida 32308

REPORTED BY: KAIRISA J. MAGEE  
 Professional Court Reporter  
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## STIPULATIONS

The following deposition of SAKET CHAUDHARI was taken on oral examination, pursuant to notice, for purposes of discovery, and for use as evidence, and for other uses and purposes as may be permitted by the applicable and governing rules. Reading and signing is not waived.

\* \* \*

THE COURT REPORTER: Do you solemnly swear or affirm that the testimony you're about to give in this cause will be the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

Thereupon,

SAKET CHAUDHARI

was called as a witness, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

BY MS. LUKEN:

Q All right. Good morning, Mr. Chaudhari. My name, again, is Elysha Luken. We met before. I'm the attorney for J.D. James, Inc., doing business as Nature Bridges, the plaintiff in this lawsuit. We're here today on a Notice of Taking Deposition Duces Tecum for your deposition in this case.

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there.

MS. LUKEN: Could you take that out, please, then?

MR. HARPER: Sure. Are you going to be using this for -- in the deposition --

MS. LUKEN: Yes.

MR. HARPER: Okay.

MS. LUKEN: All right. While -- well, do you mind if I continue with my questioning while you do that?

MR. HARPER: Go ahead.

(Exhibit B was marked for identification.)

MS. LUKEN: Mr. Chaudhari, we're here today, kind of on two issues, and -- I guess before I get too deep into this, I do want to state on the record that there were interrogatories issued to the defendant, Mr. Chaudhari, in this case last year.

There was an amendment that was provided, I believe, in about July or August of last year, and there were further communications with Counsel wherein I, in a letter dated September 22nd, 2017, articulated certain concerns and problems with respect to the interrogatories not being fully responded to. Since that time, I have been

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Just to start out with, I had issued a notice for your deposition here today that I'm actually -- can I -- that's okay. Go ahead. You can have that one. I've marked it as Exhibit A.

(Exhibit A was marked for identification.)

MS. LUKEN: This is your copy, Counsel.

MR. HARPER: Thank you.

BY MS. LUKEN:

Q And have you seen this Notice of Taking Deposition Duces Tecum previously?

A Yes.

Q Okay. And what documents have you brought here today in response to our request that you produce documents?

A I believe we brought the entire file.

Q Okay. Where is it?

A It's -- here we go, ma'am.

Q Okay. And that's what you brought with you in response to our notice?

A Yes, ma'am. I've --

Q Let's set that right here for right now. And I'm going to mark this as Exhibit B to your deposition, everything that's in that box.

MR. HARPER: I'm going to -- just for the record, I've got some of my own work product in

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continuously promised updated versions of those interrogatories up to and including our case management conference last week wherein Mr. Harper represented to me that I would have the supplemental responses that evening, which was February 12th of 2018. I received at approximately 1 o'clock in the morning -- although I did not receive it, actually, because I was not awake at that time -- a supplemental version of the interrogatories.

We reserve the right to continue this deposition until a later date as well. We're going to get through what we have the opportunity to get through today to the extent that this new information is something that needs to be further researched. I believe that we would have the opportunity to redepose Mr. Chaudhari if necessary, particularly given the fact that it was not provided as promised or agreed. So with that on the record --

MR. HARPER: Ms. Luken, do you have that available for you today -- that the -- the one provided late last night?

MS. LUKEN: I made a photocopy of it, yes.

MR. HARPER: Okay.

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MS. LUKEN: Although I do state that that -- that the supplement that I received is materially different than some of the other prior versions, and certainly that is not something that can be prepared for in the wee morning hours.

So we'll -- we're going to get through what we can here today and obviously our reservation is on the record.

BY MS. LUKEN:

Q Mr. Chaudhari, let's just start out with what is your -- what is your current occupation, sir?

A I'm a nuclear pharmacist.

Q And what is that?

A We make radioactive medicine to diagnose and treat all kind of conditions.

Q Okay. And do you work for yourself, or are you employed?

A I am employed.

Q Okay. And where are you employed?

A In Rockaway, New Jersey.

Q Do you own any real property in the state of New Jersey?

A Yes.

Q And what -- what is that real property?

A 54 Quarry Road.

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whole involvement that you had. When did you first become involved in doing something with your fathers' property at 20 Stillwater Road?

A I'm not sure, ma'am, how long we've had the property and what is entailed as involvement.

Q Okay. Well, let me start at the beginning.

When was 20 Stillwater Road purchased by your father?

A I'm not sure, ma'am.

Q Okay. Can you give me an estimate?

A Estimate, maybe 2008.

Q Okay. And why was it purchased?

A To build a home.

Q Okay. And what -- what preparatory work had been done to build a home prior to purchasing the property?

A May I ask you to repeat that, ma'am?

Q What preparatory work had been accomplished at the time of the purchase of the property in 2008 or thereabout with respect to building a house on the property?

A I'm not sure, ma'am.

Q Were you involved in any prepurchase investigation about building a home on this property?

A Prepurchasing investigation?

Q Yes.

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Q And is that your home?

A Yes, it is.

Q Okay. Do you own any other property in New Jersey?

A My father is the owner for 20 Stillwater property. He has title.

Q Were you acting on your father's behalf with respect to the contract that you entered into with Nature Bridges?

A On his behalf? It's a little bit tricky for me to answer, ma'am. It's a lot of things happening in my family. I'm assuming the financial responsibility for the project and the whatever may else become of it. Yes. I'm trying to help him out, to sum it up.

Q Okay. Well, let me -- let's make sure we're all talking about the same thing here. 20 Stillwater Road, that is the location where, ultimately, a bridge was furnished to you by Nature Bridges; is that correct?

A That is correct, yes.

Q And why -- why were you undertaking this as opposed to your father who is the real property owner?

A I wanted to help.

Q In what way?

A Every way.

Q Okay. Well, explain to me the whole -- the

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A Can you please define it a little bit more for me?

Q Did you do anything prior to your father purchasing the property relative to determining whether or not a house could be built on the property?

A No, ma'am. I didn't get involved.

Q Did your father do anything?

A Yes, ma'am.

Q And what was that?

A I'm not sure of the entire scope and details.

Q Okay. Can you share with me what you do know, please?

A We were looking to build a residential home on the property.

Q Uh-huh.

A Beyond that, I am not sure specifically what you're looking for.

Q Did your father do any sort of review as to whether or not the property was, for example, zoned for a residential dwelling?

A I'm not sure.

Q Okay. Were you involved at all in the purchase in any way?

A In any way?

Q Yes.

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1 A Opinion-wise included?

2 Q In any way at all.

3 A Yes. I'd say I did provided him an opinion.

4 Q Okay. What was that opinion that you

5 provided?

6 A It's nice.

7 Q That what?

8 A I'm sorry. It's a good property.

9 Q Okay. Did you personally conduct any

10 investigation other than the zoning, which I've already

11 asked you about, the suitability of the location for a

12 house; where a house should be placed; what kind of

13 house; anything like that? I'm talking prepurchase.

14 A No, ma'am. I personally did not.

15 Q Okay. How did your father choose this

16 property?

17 A I'm not sure, ma'am.

18 Q What was the selling price of the property?

19 A What was his buying price, I believe, ma'am?

20 Is that what you asked?

21 Q Yes.

22 A Sorry.

23 Q Either the seller's selling price or the

24 buyer's buying price.

25 A I apologize.

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1 Q Either one is fine.

2 A Okay. If I remember correctly, ma'am, I would

3 say it's about 55,000 or so.

4 Q And how many acres is the property?

5 A 2.6.

6 Q Okay. So the property is purchased around

7 2008?

8 A Yes.

9 Q What was your next involvement with the

10 property?

11 A Ma'am, the really big thing that only sticks

12 out these days is the bridge project.

13 Q Okay. What -- well, tell me what you first

14 did -- well, let me ask you this: Your father purchased

15 it in 2008. How did you become involved in it? Did

16 your father ask you to assist with something?

17 A No, ma'am. I volunteered.

18 Q Okay. And what did you volunteer to do?

19 A To build a bridge.

20 Q To do what?

21 A To build a bridge.

22 Q Why? Why would you want to build a bridge?

23 A I wanted to help him in terms of furthering

24 his process to volunteer to -- to assist.

25 Q Okay. Help him further what process? What

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1 did he want to do?

2 A To set up a residential dwelling.

3 Q Okay. And so what -- what steps did you take

4 to assist him further with that process?

5 A I did research. I looked into the process. I

6 found what I identified to be the expert bridge company,

7 Nature Bridges. They far surpassed any other website

8 that I encountered at the time, and I initiated to look

9 into it further. What struck me most about it at the

10 time was how versatile they were in terms of all the

11 states they worked. So that was one thing that did

12 catch my attention.

13 Q Who hired Lan & Associates?

14 A My father.

15 Q Okay. And when -- when were they hired?

16 A I'm not entirely sure, ma'am.

17 Q Okay. What did they do?

18 A They obtained the permits.

19 Q And what -- what was -- what were the permits

20 that they obtained for?

21 A What did they obtain it for?

22 Q What were the permits that they obtained for?

23 What work were they for?

24 A I'm not entirely sure of the -- of the entire

25 scope of what the permits entailed.

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1 Q And even here today, as we sit here, you don't

2 know?

3 A Ma'am, I've only been focusing on the case

4 itself. I'm --

5 Q Yeah, I'm not -- I'm just asking you. Even as

6 you sit here today --

7 A Oh, yes --

8 Q -- even today, you have no idea what the

9 permits that were obtained by Lan were for?

10 A Correct. And for instance, with the

11 components of the bridge at the driveway and the sizing

12 of the development, but I'd say that's all I can

13 recollect at this time.

14 Q Okay. Who paid Lan?

15 A My father. I paid Lan.

16 Q Okay. What parts did you pay for, and what

17 parts did your father pay for?

18 A I can't really differentiate. I know this

19 process of lawsuit, I've been paying them as we go.

20 Q Okay. Well, we'll get to that in a moment,

21 but I'm trying to go back to the time when Lan was first

22 engaged.

23 A Understood.

24 Q So let's kind of put that on a shelf there.

25 A I can't say for sure which parts.

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Q Okay. One of the documents that we asked for you to bring here today was any contracts with Lan. Do you have any of those contracts here with you today?

A No, ma'am.

Q Okay. Can you go to Page 5 of Exhibit A? Exhibit A -- here. Don't let these Exhibits get messed up with your own papers, if you don't mind. It will be very confusing later on if we -- if we get these confused.

So I'm opening up to Page 5 of Exhibit A. This is the Notice of Taking Deposition, and this is the listing of the documents that we had requested to you bring with you today. Under No. 9, we're asking for, "Any contracts, agreements, or scope of work description between and Lan Associates or any related Lan New Jersey or Lan Associates EPA as relating to the project."

A Okay.

Q Do you have any of those documents?

A I -- yes, ma'am.

Q Can I make a suggestion, sir? I see you have another stack of documents there. I'm going to suggest maybe just set those aside for a moment. If you want to refer to those during the course of this, that's fine, but just let's keep them separate so that we have the items that we've marked as Exhibit B.

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perhaps you asked Mr. Chaudhari if there -- if a contract even exists.

MS. LUKEN: Yeah. I'm going to get there.

MR. HARPER: Thank you.

BY MS. LUKEN:

Q All right. What you've handed me is a stack of documents which all appear to be invoices from Lan. Do you agree with me that these are invoice from Lan?

A Yes, ma'am. I agree with you.

Q Do you have any contracts with Lan?

A Any contracts with Lan? I have -- let's see. Trying to recall history, ma'am. I apologize.

Q That's okay. Take your time. I don't want to rush you.

A Yes.

Q Okay.

A I have contracts for the -- for the as-built drawing, I believe.

MS. LUKEN: Mr. Harper, do you mind if I put sticker actually on these documents, or do you want me to put a sheet in front?

MR. HARPER: Could we -- yeah, could we please do that?

(Short pause.)

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MR. HARPER: Is that the folder that contains all that stuff?

THE WITNESS: Yes, but the pages are all scrambled up at this point.

MR. HARPER: What would be more helpful for Ms. Luken? You -- in your opinion? Sorting through the box or going through your binder if it's got the same materials in it?

THE WITNESS: Maybe -- I'm not sure actually. It's up to Ms. Luken. Sorry, ma'am.

MS. LUKEN: Yeah. That's fine. We'll just -- we'll take it as it comes. I mean, if you want to add stuff to the box later, that's fine. I don't really have a problem with that.

MR. HARPER: I actually, in all honesty, think there is more in his binder than is even in the box.

MS. LUKEN: That's fine. We'll check the binder if you want. I mean, it doesn't matter. I'm just interested in the contracts right now.

BY MS. LUKEN:

Q Okay. You've handed me a stack of documents which I'm now going through.

MR. HARPER: And just for the record, I'd like to object to an improper predicate. I think

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BY MS. LUKEN:

Q There's a few more?

A There is a few more items.

Q Okay. All right. Thank you.

And I tell you what. I've just done this while you were going through. I've marked as Exhibit B1 to your deposition, and that's 'cause it came from the box that I've already marked B. And I've just been separating this out. Is Exhibit B1 all of the invoices from La --

A All of the invoices?

Q -- that are in your possession?

(Exhibit B1 was marked for identification.)

THE WITNESS: Ma'am, is this what I provided in the discovery? Oh, so this is in that folder; right?

BY MS. LUKEN:

Q That was in your box right here that you brought with you to your deposition today, yes.

A Ma'am, without confirming without Bates-numbered pages --

Q Uh-huh?

A -- I'll just -- it's hard for me to eyeball ma'am, but these certainly are Lan invoices. But I

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1 would really need to defer to the Bates pages to see if  
2 they're complete or not. I can't recall off the top of  
3 my head.

4 Q Okay. And did you bring those with you today?

5 A The Bates-numbered pages?

6 Q Yes.

7 A Yes. I have -- I have a folder.

8 Q I just want to make sure that we have the  
9 whole universe of documents in one place, yeah so ...

10 A Okay.

11 Q So I -- I tell you what. We'll set that aside  
12 for the moment. We'll make that comparison a little bit  
13 later.

14 A Okay.

15 Q So I think we can put that back in here. For  
16 right now, let me mark what you've just handed me. I'm  
17 going to mark this as B2. All right. I'm going to show  
18 you what I've marked at B2. It is what you've handed to  
19 me.

20 (Exhibit B2 was marked for  
21 identification.)

22 THE WITNESS: Okay.

23 BY MS. LUKE:

24 Q So are these all of the contracts with Lan  
25 that you brought with you today?

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1 Q Okay. So is it your understanding that this  
2 \$800 is for Lan to prepare an as-built drawing?

3 A That is my understanding, ma'am, yes.

4 Q Okay. Very good. Why did you contract with  
5 Lan in July of 2015 to prepare an as-built drawing?

6 A So if I recollect, we were issued the notice  
7 of violation.

8 Q Uh-huh.

9 A And I had spoke to my project manager, Brian.

10 Q Uh-huh.

11 A And I believe he had contacted the engineer,  
12 his engineer, Matt Parker, to address some of the  
13 issues. And through that communication, if I remember  
14 correctly, Matt Parker was diligently trying to reach  
15 Lan and was unable to get access to them.

16 Q Uh-huh.

17 A And somehow, they ended up asking me to see if  
18 I could help them.

19 Q Uh-huh.

20 A So I contacted Lan, and all the interactions  
21 happened between Matt, Lan, and somehow this was needed  
22 to be done at some point. So through the interactions,  
23 this was one of the steps that we needed to do.

24 Q Who told you that this was a step that you  
25 needed to do?

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1 A This is what I brought with me today, ma'am,  
2 yes.

3 Q Okay. Are there other contracts with Lan that  
4 you have not brought with you today?

5 A Ma'am, I'm -- I apologize for being  
6 disorganized. I thought we had the entire Bates file  
7 here, and I thought I've included what had in the  
8 submission. So having said that, I thought these would  
9 be here already, so ...

10 Q Okay. Well -- all right. Is -- can you read  
11 back my question, please?

12 (Record read.)

13 THE WITNESS: I'm not sure.

14 BY MS. LUKE:

15 Q Okay. Looking at Exhibit B2, those appear to  
16 be amendments to a prior agreement for approximately  
17 \$800 that appear to have been entered into sometime  
18 around July of 2015; is that accurate?

19 A That is accurate.

20 Q All right. And what -- what is -- what is  
21 this amendment for? What work is it comprising?

22 A Okay, ma'am. It says in the description of  
23 change and specification, "Lan shall visit the site and  
24 perform an as-built survey of the built structure  
25 located on the subject property."

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1 A If I remember the e-mails correctly, ma'am, I  
2 think Lan had called Matt Parker and asked if he has the  
3 as-built done drawings or if he -- something along those  
4 lines. And we were unable to either get a hold of him  
5 or get an answer from him. And this was needed to be  
6 done, and that's how we proceeded to -- to do.

7 Q Again, who told you that this needed to be  
8 done?

9 A It was through a common interaction between  
10 Lan, Matt Parker -- it was a chain of e-mails. So I'm  
11 just trying to identify -- I believe it was Lan,  
12 actually. Lan.

13 Q Okay. Who at Lan told you to get an as-built?

14 A Ma'am, I would request to refer to my e-mail.  
15 That information is there.

16 Q Go ahead and refer to whatever you would like.  
17 I do get to look at whatever you're referring.

18 A Okay. I understand.

19 Q If it's something that's privileged or if you  
20 have concerns about, why don't you consult with your  
21 lawyer before you show it to me?

22 A I understand.

23 Q Okay. Thank you.

24 (Short pause.)

25 MR. HARPER: I think Ms. Luken's question was:

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Who stated that we needed to do the as-built drawing?

THE WITNESS: I have that now.

MS. LUKEN: Are you ready?

THE WITNESS: Yes, ma'am.

MS. LUKEN: All right. Great.

THE WITNESS: Here you go, ma'am.

BY MS. LUKEN:

Q All right. So does this document refresh your recollection in any way --

A Yes, ma'am.

Q -- as to who told you that you need to have an as-built drawing?

A Yes, it is Chris Guddemi. Chris, last name spelled G-U-D-D-E-M-I.

Q All right. While you were going through that, I went through some things myself and let me just show you what I'm going to mark as Exhibit B3, because I think it's something that needs to go in our box, perhaps. Actually, you know what? I'm going to mark this separately. Let's do that. All right.

I'm marking Exhibit C, and let me ask you what Exhibit C is. Is that the Bates-labeled documents that you were referencing?

A Yes, ma'am. To describe -- would you like me

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A I apologize, ma'am.

Q I'm not trying to trick you here, but I actually just realized when I was looking at my own documents, that that probably is not all of the Lan invoices. I think this is what we got in a first batch.

Can you confirm for me, then, based on what I just said, that these are all the Lan invoices from 2008 to 2010?

A Ma'am, I apologize for the redundancy. If these here -- if this is what was submitted, ma'am, then this is it. If you're sure of that, then, yes.

Q Well, are all the invoices that are within my new Exhibit C from 2008 to 2010?

A Okay. Now I understand.

Q Yes. Because I -- there are some more, and again, I'm not trying to trick you here. I just want to make sure our record is clean.

A Yes, ma'am. These are dated from 2008 to 2010.

Q Okay. So here's my question --

A Okay.

Q -- we just went to an \$800 addendum from July 2015 for an as-built, right, for \$800? So this work that's here in Exhibit C from Lan -- this is from 2008 to 2010 -- where is the contract for this work?

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to describe what it is?

Q Yes, please.

A So I'm seeing here a preliminary budget E & R Construction, a preliminary budget with Contech Engineered Solutions, Lan invoices.

Q I'm going to make an adjustment to this exhibit, then, based on what you just told me because what I would like is an exhibit that just has the Lan invoices in it.

A I understand.

Q Okay. So here's what I'm going to do. And I think I'm doing this correctly, but I would like for you to ultimately tell me that answer. And we'll deal with these letter.

A Understood.

Q So I'm going to remark Exhibit C.

(Exhibit C was marked for identification.)

BY MS. LUKEN:

Q What I have now shown you is Exhibit C. To your knowledge, is that all of the invoices from Lan?

A Ma'am, to my knowledge, this is all the invoices from Lan, assuming that it is all from the Bates documents.

Q Okay. And again, I'm not trying to trick you here.

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A I am not sure, ma'am. I could find out for you.

Q What -- who would you contact to find out the answer to my question?

A My father.

Q And is your father residing in New Jersey?

A Yes.

Q Okay. I am not asking this to pry or be overly personal, but is he available to give a deposition like you're doing here today?

A I would request to see if he can -- if a deposition is needed, he'll help the case -- the party, if he could possibly do something over the phone. My mom is terminally ill.

Q I'm terribly sorry to hear that, and I'm sorry -- your mother or your father?

A My mother is terminally ill.

Q I'm very sorry to hear that.

A Thank you.

Q Okay, yeah. And I'm not suggesting -- I'm not aware of any obligation that he would have to come travel here or anything like that. I'm just asking. And again, I'm not trying to pry into your personal affairs, but, I mean, is he able to give truthful testimony the same way that you are right now?

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A Probably depressed, but I believe so.

Q All right. Very good. Very good. I'm just asking.

And I suppose as a nuclear pharmacist, you would probably understand where I'm coming from. Just, you know, is he capable and understanding of things around him and et cetera --

A Yes, he is.

Q -- that sort of thing. All right. Very good. Very good. Okay. Well, we'll address that later.

Do you -- you do not have any idea, though, what the agreement was? I mean, what -- let me -- strike that.

With respect to the invoices that are in Exhibit C, do you have an understanding of what Lan was tasked to do with respect to that work?

A Ma'am, I request the opportunity to look into it further, and I will get back to you. I do not know off the top of my head.

Q Okay.

A Yeah.

Q And do you know if any final work product was prepared and delivered by Lan as a result of these invoices that are in Exhibit C?

A No, ma'am. I'm not sure.

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Q Okay. Do you independently recollect any communications that you had with Lan during the 2008 to 2010 time period?

A Nothing is striking out at this time, ma'am.

Q Okay. And if you did have communications with Lan during that time frame other than verbal communications by telephone, what would have been the manner of those communications?

A Again, ma'am, I'm not entirely sure at this time.

Q Okay. Would it have been an e-mail, for example?

A I don't think it would be e-mail.

Q Okay. You don't think that you would have e-mailed Lan from between 2008 to 2010?

A I would assume not, ma'am.

Q I'm sorry?

A I would assume not, ma'am.

Q Okay. Any reason why you would assume not?

A Just -- just looking at the time frame, ma'am.

Q You didn't use e-mail in 2008 to 2010?

A No. Just -- you know, just I don't recollect e-mailing.

Q Okay. Let me show you -- let me show what I'm marking as Exhibit D.

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Q Okay. Did you receive anything from Lan in 2010, for example, that they provided to you pursuant to these invoices?

A I am not certain, ma'am.

Q Okay. Your not aware of any drawings that they might have prepared, any work they might have done?

A I'm not certain, ma'am.

Q Okay. Let me show you -- show you what I'm going to mark as Exhibit D.

(Exhibit D was marked for identification.)

BY MS. LUKEN:

Q And just before we leave Exhibit C, were you involved at all in any of the work that Lan was doing from 2008 to 2010?

A Involved at all ...

Q Yeah. Any communications?

A Yes.

Q Okay. And what were the substance of those communications?

A I may have. Just communications or payments?

Q Sure. Okay. Well, we'll talk about both of them. Let's do communications first.

A Ma'am, I'd like to say yes, but given the time frame, I can't recollect, neither am I sure, what kind of information would be at this time.

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(Exhibit D was marked for identification.)

BY MS. LUKEN:

Q And what is Exhibit D?

A It is the NJDEP permit with the plans attached.

Q And how did you come to have this document?

A I asked for the document.

Q From whom?

A From Chris Guddemi. Guddemi.

Q Okay. Mr. Guddemi of Lan?

A Correct.

Q Okay. And when did you ask him for this?

A I am not sure of the exact date.

Q Okay. When was this permit issued?

A In February 19, 2010.

Q Okay. And did you obtain a copy of this as soon as it was issued?

A Not to my recollection, ma'am.

Q The name of the applicant here is -- I'm going to butcher this -- can you tell me the name of the applicant on this permit?

A It is my father. First name is Satyendra, S-A-T-Y-E-N-D-R-A.

Q Okay. And how did your father come to be the applicant on this permit?

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1 A How did he come to be the applicant? He was  
2 the one applying for it, ma'am.

3 Q Okay. So he -- he was the owner of the real  
4 property?

5 A I understand, yes.

6 Q Is that correct?

7 A Yes, it is.

8 Q And so, therefore, he has to be the one to  
9 apply for the permit; correct?

10 A Those are the rules, ma'am.

11 Q Okay. Well, let me ask you this: Lan was  
12 hired to procure this permit; right?

13 A Yes.

14 Q Okay. So Lan is the one that's filled all  
15 this out; is that correct?

16 A Yes. That was with Ms. -- Lan.

17 Q Okay. So if Lan said that your father had to  
18 be the applicant because he owned the property, is that  
19 correct?

20 A Yes, yes. Applied for that, and that's what  
21 would need to be done.

22 Q And so what is your understanding of the  
23 permits that are issued here pursuant to Exhibit D?

24 A So, ma'am, I have read this permit. I have  
25 understood this permit to the best of my ability and --

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1 should respond to anything we know is a violation of  
2 what we're doing.

3 Q Okay. What -- so do you have an understanding  
4 of what a flood hazard area individual permit is? For  
5 example, I'm looking at the first permit number that's  
6 identified on this permit.

7 A Do I have -- I wouldn't say profound  
8 understanding, ma'am.

9 Q I'm sorry? You do or do not --

10 A I would say I do not have a profound  
11 understanding.

12 Q Okay.

13 A I'm not sure exactly what -- how you measure  
14 the level of understanding either.

15 Q Do you know what that is, is my question, and  
16 again, if you don't know the answer, just tell me that.  
17 I'm not -- this is not a test or a quiz, necessarily.  
18 I'm just trying to figure out what you know.

19 A Okay. At this time, ma'am, I'd say --  
20 probably nervous too. It's not helping. But at this  
21 time, yeah, I'd say my knowledge is not profound in what  
22 exactly flood hazard area individual permit is.

23 Q Okay. Do you have any understanding at all,  
24 and, if so, would you please share it with me?

25 A I think my understanding is more combined,

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1 could you just repeat the question one more time, ma'am?  
2 I'm sorry.

3 Q What is your understanding of the permits that  
4 are issued pursuant to Exhibit D?

5 A Understanding of the permits?

6 Q Permits.

7 A My understanding, my overall understanding --

8 Q Uh-huh.

9 A -- is that this construction is illegal.

10 Q I'm sorry. What?

11 A That this construction is illegal.

12 Q Okay.

13 A That is my understanding, ma'am.

14 Q I don't know that you're understanding my  
15 question; so let me try to reframe it.

16 A Yes.

17 Q There are permits that are issued within this  
18 document; correct?

19 A Right. Yes.

20 Q What are these permits for, is my question.

21 A These are the guidelines as to how any work by  
22 the stream needs to be constructed. It's informative  
23 information to the permittee, to the entire team, to  
24 everyone who is involved, and gives us guidelines as to  
25 what we should do, how we should do it, and how we

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1 collective. I don't think I can individually give  
2 information about the permit. If there's questions,  
3 perhaps I can identify what the answer would be  
4 regarding the specific question without having to resort  
5 to the permit, but I can't individually explain the  
6 nature of the permits.

7 Q Okay. So if -- if I'm understanding your  
8 answer correctly, you do not have any knowledge about  
9 what is involved, for example, in the first permit  
10 issued here, this flood hazard area individual permit.

11 Is that a fair statement?

12 A Ma'am, can you repeat the statement one more  
13 time, please? You said, I do not have any knowledge.

14 Q Do you have any knowledge about what is being  
15 permitted in this flood hazard area individual permit,  
16 the first permit that is listed on Exhibit D?

17 A Again, ma'am, I don't think I can  
18 differentiate within the permits at this time.

19 Q Okay. So you're telling me that you have an  
20 understanding, generally, of what all three of those  
21 together are being permitted; is that correct?

22 A Yes, ma'am.

23 Q Okay. But in terms of what each individual  
24 one of these is allowing, you cannot say?

25 A Not at this time, ma'am.

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1 Q Okay.

2 A I know I've -- not at this time.

3 Q Okay. Was there any other time in the past

4 where you did have some such knowledge and have

5 forgotten or --

6 A Yeah. I think I've forgotten, ma'am. I think

7 it's been a long time. It's been a few years at this

8 point. At the -- at some point, I did look into it

9 further, but at this time, it wasn't one of the things

10 that I was prepared to discuss at this moment. So it's

11 not something I utilize every single day. I don't

12 recall it at this very moment.

13 Q Okay. Has someone explained that to you at

14 some point, what each one of those permits allow?

15 A I think Walter Reese [ph], my attorney, at

16 some point has --

17 Q Okay. Don't tell me anything you've talked

18 about with your attorney.

19 A I apologize.

20 Q I don't want to hear that --

21 A Sorry about that.

22 Q -- and I'm sure that your attorney does not

23 want you to share that with me either. So it's okay for

24 you to say, you know, it may have been through my

25 attorney, but don't tell me substance of those

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1 discussions. Okay?

2 A Yes, yes, yes. Sorry. Sorry.

3 Q Thank you. All right.

4 So other than -- other than your attorney

5 discussions, did any discussions with anybody else

6 explaining to you what each one of these three

7 individual permits does?

8 A Ma'am, I can't recollect at this time.

9 Q Okay.

10 A I can't confirm or deny.

11 Q All right. Anybody at Lan who may have

12 explained to you what these three permits individually

13 provide?

14 A Nothing is striking out at this time, ma'am.

15 Q Okay. All right.

16 So when did you first receive this permit?

17 A A few years ago, ma'am.

18 Q Okay. Can you -- is there any way you can

19 narrow that down a little bit using, for example, the

20 date on the permit, February 19th, 2010? Can you give

21 me any kind of estimate when you first would have seen

22 this permit, ever?

23 A This is certainly prior to the project.

24 Q Okay.

25 A Yeah.

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1 Q So -- and again, I don't want to put words in

2 your mouth here, but I was showing the prior witness an

3 e-mail from July of 2012. Would it have been before or

4 after that time?

5 A I don't recall specifically at this time,

6 ma'am.

7 Q Okay. Is there any documents that you could

8 look at that might assist you in recalling when you

9 first saw this permit?

10 (Short pause.)

11 A Ma'am, June of 2013, I believe.

12 BY MS. LUKEN:

13 Q June of 2013 would have been the first time

14 you saw this permit?

15 A As per my best recollection at this time.

16 Q And can I just ask -- you don't necessarily

17 need to show it to me, but what did you look at that

18 refreshed your recollection on that?

19 A There is Bates number 000046.

20 Q Okay. And I can certainly look at that, but

21 what is that? Is there -- actually, hold on. I'll just

22 look at it, and that will be easier.

23 A Okay.

24 Q All right. And so you have looked at an

25 e-mail from Chris Guddemi of Lan --

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1 A Yes.

2 Q -- Dated June 2013 to you attaching the

3 permits; is that correct?

4 A Correct. That is correct.

5 Q Okay. So to the best of your knowledge,

6 that's the first time you've received this permit?

7 A To the best of my knowledge, ma'am.

8 Q Okay. Very good. All right.

9 Let's -- and when is the first time you spoke

10 with anybody from Nature Bridges?

11 A I believe it was dated 2012, if I remember

12 correctly.

13 Q Okay. Do you remember when in 2012?

14 A Ma'am, the date is noted on my e-mail. Would

15 you like me to find it?

16 Q Well, if we got to --

17 A I'm sorry.

18 Q That's okay. Hold on one second.

19 A That's a lot of years.

20 Q Let me just show you -- I want to show you

21 Exhibit 1 from Mr. Garcia's deposition. That is an

22 e-mail from you to Mr. Garcia that he spoke about. Is

23 that the first communication, to the best of your

24 knowledge?

25 A First communication? There was a phone call.

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(Reading to himself.)

Ma'am, I'm not -- in the very preliminary interaction with him, I can tell from my language that there was some prior interaction.

Q Uh-huh.

A Unfortunately, I don't remember what that may have entailed at this time.

Q Okay. From looking at that e-mail and the context of it, as you indicated, does it indicate to you that your prior communication or your earliest communication with Mr. Garcia from Nature Bridges would be have been close in time to that e-mail?

A Yes, yes. I would say so.

Q Okay. So I mean, would it be fair to say, then, you may have had a phone call with him a couple days or a week or so before?

A Ma'am, that would be a fair assessment.

Q I'm sorry. What?

A That would be a fair assessment.

Q Okay, okay. And are you aware of any e-mails between you and anybody at Nature Bridges prior to that July 2012 e-mail?

A As long as it's consistent with my Bates number, ma'am, then this is it.

Q Okay. All right.

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Q Okay. All right.

A Actually, ma'am, may I just retract for a second?

Q Sure. Go ahead. What do you want to do?

A Just trying to think. I'm sorry. So many years. It's a little bit -- no, ma'am, I'll -- I -- I continue. I can't recall for sure.

Q And I mean, again, if during the course of this, you know, we come across a document or something that you think changes something or that you want to make a clarification, feel free to do so.

A I appreciate it.

Q It may prompt me to ask you more questions.

A Okay.

Q But that's something I've no problem with you doing.

A Thank you.

Q Okay? All right.

Can I ask you to please open up the permit, and then on the very last page of the permit there is a site development plan.

A Yes.

Q Do you see that there?

A Yes.

Q Okay. And is it safe to say, sir, that the

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Well, we'll -- I -- I'd like to have a starting point for us to go from.

A I apologize, ma'am. This is as good as any. I don't think they've communicated anything profound, I would say, on my end.

Q Okay. Then what -- I think you indicated probably the answer to this question, but let me just ask it so it's clean. Was your first communication with anybody from Nature Bridges by phone?

A Yes.

Q Okay. And what -- how did that occur and who did you speak with?

A I only recall speaking to Santiago.

Q Okay. Mr. Garcia?

A Mr. Garcia.

Q Okay. And as far as we know, as we sit here right now, that phone conversation would have been sometime around July of 2012; is that correct?

A I'd say so, ma'am. That is fair.

Q Okay. And based on our prior discussion about the permit, that you did not receive that from Lan until June of 2013, is it safe to say then, when you first were having discussions with Nature Bridges, you did not have a copy of the permit?

A Yes, ma'am.

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first time you would have seen this site development plan would also have been about June 2013 when you received it from Mr. Guddami?

A Yes.

Q Okay. And this site plan depicts a number of different items on it, doesn't it?

A Yes, ma'am.

Q Okay. It looks to me as though there is an -- let me ask you this: Do you have any understanding of what a site development plan is?

A I have an understanding, ma'am.

Q Okay. What is that?

A Sorry, ma'am. It's a little bit vague for me. Okay. So for instance, this particular one, I will try to explain what I can depict.

Q Yeah. I'm not necessarily asking you at this time for you to explain to me what's on this particular drawing. I'm asking a somewhat broader question. I will get to that.

A Okay.

Q But my first question is: What is your understanding of what a site development plan is?

A It has a lot of information, too much information, and it really is -- are you asking specifically what I get out of, right, ma'am? That's

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1 the question?

2 Q Do you have an understanding in the world of  
3 construction, engineering, project planning, what the  
4 site development plan is?

5 A Yes, ma'am. Yes, ma'am. I have an  
6 understanding of this particular documentation. At this  
7 time, I can explain -- well, you're not asking me to  
8 explain, I'm sorry.

9 Yes, ma'am. So I have an understanding. I  
10 don't know --

11 Q What is that understanding that you have?

12 A My understanding is that there is -- and I'm  
13 giving you my understanding at this time, ma'am.

14 Q Sure.

15 A So this is suggesting that there is a proposed  
16 bridge at a location, a proposed driveway, proposed  
17 dwelling. And it shows the stream, which is a -- and  
18 about the stream, it has a lot of information which is  
19 substantial.

20 Q Okay. That wasn't exactly my question.

21 A I apologize, ma'am. Can you --

22 Q That's okay. That's okay. We'll -- do you  
23 know what the purpose of this document is?

24 A Yes, ma'am.

25 Q What is the purpose of this document?

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1 journey.

2 Q Yes. What is -- and what is that? And again,  
3 keep in mind my question. My question is: What is the  
4 purpose of this document?

5 A What is the purpose? What is the purpose of  
6 this document?

7 Q Yeah.

8 A And, ma'am, when you say -- there's just so  
9 much information here, I'm just not sure exactly what  
10 you would like me to cater that information to. I just  
11 don't know exactly what you're looking for.

12 Q Why was this document prepared?

13 A Okay. So what information is on here that an  
14 engineer would need? Is that the question?

15 Q No. The question is --

16 MR. HARPER: The question is: Why was it  
17 prepared?

18 THE WITNESS: It's prepared to locate the  
19 bridge -- site of the bridge, locate the dwelling,  
20 the driveway, amongst anything else that might be  
21 present on here.

22 BY MS. LUKEN:

23 Q Okay. And I think you indicated in your prior  
24 statement that these are all proposed locations;  
25 correct? You do see that on the document?

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1 A It shows the stream flow, and it shows the  
2 location of the bridge. It shows the driveway. It  
3 shows where the dwelling is.

4 Q Do you have any understanding of what this  
5 document is used for from an engineering perspective?

6 A Yes, ma'am.

7 Q And what is that?

8 A And are you referring only to a bridge, ma'am,  
9 or are we just --

10 Q I'm talking about an engineering perspective.  
11 What is a site development plan for?

12 A Engineering perspective. If it's from an  
13 engineering perspective, ma'am, I wouldn't really have  
14 an understanding of what an engineer gets out of it. If  
15 you're asking me for my perspective, I can only convey  
16 that information from you.

17 Q Yes. And I'm -- I understand that you're not  
18 an engineer.

19 A Yes.

20 Q All I'm asking you is: You know, during the  
21 course of your travels on this particular matter, has  
22 any engineer explained to you what the purpose of this  
23 document is, or anybody else, for that matter?

24 A Ma'am, yes. I have learned quite a bit about  
25 this particular document over these -- over this

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1 A Proposed location. Let me see that. Where  
2 are we looking at, ma'am?

3 Q I'm asking -- you used the word "proposed."  
4 You used "Proposed location for a house, proposed  
5 driveway, proposed bridge."

6 Is it your understanding that these are  
7 proposed locations?

8 A Oh, I see, ma'am. Yes, ma'am. I see now what  
9 your referring to. Yes, ma'am.

10 Q Okay. Because if you look in the document --  
11 and your eyesight's better than mine -- you will see  
12 that there is a proposed bridge?

13 A I understand, ma'am.

14 Q A proposed dwelling footprint; right?

15 MS. LUKEN: Mr. Harper.

16 MR. HARPER: You guys can keep going. I just  
17 need to use the restroom.

18 MS. LUKEN: Okay. We're going to take a  
19 break. I don't ask questions without counsel  
20 present.

21 MR. HARPER: I don't mind.

22 (Recess from 12:16 p.m. to 12:22 p.m.)

23 BY MS. LUKEN:

24 Q Mr. Chaudhari, before we went on break, I  
25 think we were discussing that these are all proposed

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1 locations; is that correct?

2 A Yes, ma'am.

3 Q All right. And this document is not intended  
4 as a construction document; is that correct?

5 A I'm not sure, ma'am.

6 Q Okay. If you look in the right-hand corner  
7 under "plan notes," the last paragraph there. Do you  
8 see that there?

9 A I am reading what you just mentioned, ma'am.  
10 I am not sure why that's there or how it needs to be  
11 interpreted.

12 Q Okay. So you don't have the ability to  
13 interpret those words there, under the "plan notes"  
14 section?

15 A I recite it, ma'am, but I --

16 Q You don't have to recite it.

17 A I'm sorry.

18 Q I'm just asking you, do you have an  
19 understanding of what that means?

20 A I have an understanding of what it says. I  
21 don't have an understanding of what of it means.

22 Q Okay. Well, what is your understanding of  
23 what whatever it is?

24 A Well, ma'am, I'll just tell you what it is.  
25 It required engineer to really grasp that, why it's

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1 been signed by Mr. Westbrook in April of 2008.

2 What happened with this plan? Was this plan  
3 sent to contractors for pricing of any sort?

4 A I'm not sure, ma'am.

5 Q Okay. If you go back to the exhibit with the  
6 Lan document, which I believe is Exhibit C. If I could  
7 have you turn to Page 265. Okay.

8 And do you recognize this as an invoice from  
9 Lan and Associates dated April 30th of 2010?

10 A Yes, ma'am. I do see that date.

11 Q I'm sorry?

12 A I do see that date.

13 Q Okay. And this is among the documents that  
14 you brought with you today to respond to our requests;  
15 right?

16 A Yes, ma'am.

17 Q Okay. If you look under the "Professional  
18 services for this period."

19 A Okay.

20 Q Do you see that under C and D, "Forward plans  
21 to contractors per client request. Discuss plans with  
22 contractors to obtain estimates."

23 Do you see that there?

24 A I see that there, ma'am, yes.

25 Q Okay. And so what was that all about?

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1 there, what it is intended or needed to do.

2 Q Okay. So just for clarity, the sentence that  
3 says, "They are not construction plans and should not be  
4 used for that purpose."

5 Do you think that needs to be interpreted by  
6 an engineer is what that means?

7 A Yes.

8 Q Would you agree that contractor would also be  
9 able to interpret what that means?

10 A Ma'am, I'm not sure what a contractor knows.

11 Q Okay. So -- but you don't know one way or the  
12 other, right? You just know you can't interpret it; is  
13 that right?

14 MR. HARPER: Objection.

15 THE WITNESS: I am not sure how an engineer  
16 needs to interpret this as an engineer. I am not  
17 sure contractor needs to interpret this as a  
18 contractor.

19 BY MS. LUKEN:

20 Q And you are not either an engineer or a  
21 contractor, right?

22 A Nuclear pharmacist, ma'am, correct.

23 Q Okay. Very good. Very good.

24 Okay. So this is prepared. And I'm looking  
25 at the site development plan, and it appears to have

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1 A Ma'am, I am not sure at this time.

2 Q So you have no idea what Lan was doing with  
3 respect to Line C and D of their invoice from April of  
4 2010?

5 A Ma'am, I can't comment on what was ongoing on  
6 April 30th, 2010.

7 Q So who would be the best person to ask that  
8 question to?

9 A I am not sure.

10 Q Well, who -- when they say, "Per client  
11 request," would that have been a request that your  
12 father made?

13 A It would be a possibility, ma'am.

14 Q Who else could it have been?

15 A I would -- (reading to himself.) Yeah, ma'am.  
16 I'm not sure of who else it could have been, who it was.

17 Q So I mean --

18 A I just don't feel comfortable answering  
19 because I wasn't there, and I'm interpreting something  
20 that I just wasn't there to witness; so just -- that's  
21 all.

22 Q That's fair. And I'm not -- I do not want you  
23 to guess or speculate.

24 A Thank you, ma'am.

25 Q However, you are the one who's here claiming

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1 that my client breached the contract. So I'm asking you  
2 questions that I need to know the answer to. If you do  
3 not know the answer, that's fine. Just tell me that.

4 A I understand.

5 Q I am going to kind of press you at times to  
6 see if maybe you know a little more than you think you  
7 do, but, you know, if your answer is you don't know,  
8 then that's fine and that's acceptable.

9 A I understand. Yes.

10 Q In this time frame, though, April of 2010,  
11 were you involved at all in your father's efforts to  
12 develop this raw land that he purchased in 2008?

13 MR. HARPER: I'm going to object. That was  
14 asked and answered.

15 THE WITNESS: Ma'am, I -- involvement, it  
16 could mean just giving opinions. I don't  
17 understand exactly.

18 BY MS. LUKEN:

19 Q Any involvement at all. Did you know that  
20 your father was doing this?

21 A Yes, ma'am.

22 Q Okay. And did he speak with you about it?

23 A Again, ma'am, not recollecting to -- just  
24 given the time frame, ma'am, I just can't really  
25 differentiate what we were talking about and which year,

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1 years. So I'm trying, to the best of my ability, ma'am.  
2 But I just think with the vast -- the time frame that's  
3 part of the issue.

4 Q Okay. Let me maybe ask the question a little  
5 differently and see if this may -- may assist at all.

6 Your father purchases this property in 2008?

7 A Yes.

8 Q Lan is hired at some point, it's doing work in  
9 2008, 2009, 2010. We've got a permit in 2010. You did  
10 not start speaking with Nature Bridges until the summer  
11 of 2012, let's just say.

12 A Yes, yes.

13 Q Okay. So prior to your discussions with  
14 Nature Bridges, did you have any involvement in this --  
15 this effort on the part of your father to build a house  
16 on this property he purchased?

17 A Ma'am, again, when you speak with any  
18 involvement and it confuses what that entails.

19 Q Uh-huh. Okay. Let me give you some examples.  
20 Did you ever --

21 MR. HARPER: I'm going to object, having asked  
22 and answered. I'm sorry.

23 MS. LUKEN: That's fine. Your objection is  
24 noted for the record, sir.  
25

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1 to the best of my ability.

2 Q Was your father living with you at this time?

3 A Yes, ma'am.

4 Q Okay. And was your father living with you in  
5 2008 when he purchased this property?

6 A Yes, ma'am.

7 Q Okay. And so I mean -- and again, I'm not  
8 trying to put words in your mouth here, but I would  
9 presume that if your father purchased a piece of  
10 property in 2008, were you aware that he had hired Lan  
11 to do some work for him?

12 A Yes, ma'am.

13 Q Okay. And did he ever discuss the work that  
14 they were doing or the process --

15 MR. HARPER: I'm going to object. That has  
16 been asked and answered. I can -- he has testified  
17 he doesn't recall.

18 MS. LUKEN: Okay. Well, I'm -- hold on one  
19 second.

20 (Short interruption.)

21 BY MS. LUKEN:

22 Q I'm sorry about that.

23 A Ma'am, I'm -- it's honestly just very  
24 difficult to differentiate what was ongoing at which  
25 intervals in the years, over the span of this many

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1 BY MS. LUKEN:

2 Q Did you ever attend any meetings at Lan's  
3 office prior to the summer of 2012 when you first  
4 contacted Nature Bridges?

5 A Not that I can recall, ma'am.

6 Q Okay. Did your father ever ask you to review  
7 any estimates that had been received for this project  
8 prior to the summer of 2012 when you contacted Nature  
9 Bridges?

10 A Ma'am, again, we were -- I can't say for sure.

11 Q Do you know if your father obtained any  
12 estimates from contractors prior to your discussions  
13 with Nature Bridges?

14 A I can't say for sure.

15 Q And your father would be the best one to ask  
16 that question to?

17 A Possibly, ma'am.

18 Q Okay. Or to Lan, themselves, 'cause this is  
19 their invoice and they did the work?

20 A Possibly, ma'am.

21 Q Who at Lan was the contact person at this  
22 time? And I'm talking about prior to your contacting  
23 Nature Bridges.

24 A I'm not sure, ma'am.

25 Q Have you personally ever seen any estimates

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1 that were obtained by Lan for any work on your father's  
2 property?

3 A I'm not sure, ma'am.

4 Q Okay. Have you -- I mean, I'm assuming for  
5 the purposes of responding to our discovery questions,  
6 preparing for today, have you exhausted your file or  
7 your documents on this -- on anything related to this  
8 property?

9 A Yes, ma'am.

10 Q Okay. And you have not located anything that  
11 indicates that you were involved in this at all until  
12 your reaching out to Nature Bridges?

13 A Yes, ma'am.

14 Q Okay.

15 A Again, ma'am, you talked about "involved at  
16 all." And when you use these kind of words, again, I'm  
17 not sure exactly what that does and does not entail.

18 Q Okay.

19 A I just want to be as honest as possible,  
20 that's all, ma'am.

21 Q You did have conversations with your father,  
22 then, at some point between 2008 and the summer of 2012?

23 A Yes, ma'am.

24 Q Okay. You just don't recall the specifics of  
25 what those are?

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1 but that's fine. The record will reflect whatever  
2 has been said here. That's the good thing about  
3 writing it down.

4 MR. HARPER: Yes, ma'am.

5 BY MS. LUKEN:

6 Q All right. You saw these e-mails, I think,  
7 when I was asking Mr. Garcia -- Mr. Garcia about them.  
8 And again, let's go to this one. This actually looks  
9 like the second one. This is Exhibit 2.

10 A Yes, ma'am.

11 Q And this is from August of 2012. And therein  
12 you are referencing a 12 x 12 bridge. Do you recall  
13 that Mr. Garcia gave you an estimate on a 12 x 12 bridge  
14 for \$25,000?

15 A No, ma'am. If I can recall correctly, it had  
16 to do with something on the their website at that time.

17 Q Uh-huh.

18 A I'm not sure exactly how the website was on  
19 there, but I do know that they had a structure that was  
20 12 x 12. And that just gave me an idea of what this  
21 company is, what it does, and just opened up a line of  
22 discussion just by seeing how this entire process works.

23 Q Okay. And so if you look at this one, No. 1,  
24 this is the July 2012 e-mail. And you're asking for an  
25 estimate on a 20 x 12 bridge; correct?

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1 A Correct, ma'am.

2 Q But just so we're clear too, you don't think  
3 you had any contact with Lan during that time frame?

4 A No. I did not say that, ma'am.

5 Q Okay. So you just -- you don't recall if you  
6 did or you didn't? Or you recall that you did, but you  
7 don't recall what it was?

8 A Ma'am, it's again a combination of both.  
9 You're talking about eight, 10 years out.

10 Q All right. I'm also seeing on the following  
11 page, Page 266 of our Exhibit C, there is another entry  
12 there. And this is an invoice from May of 2010 where  
13 Lan is indicating that they obtained estimates per  
14 client request.

15 Same question as before. Did you have any  
16 involvement in that?

17 MR. HARPER: I'm going to object. Asked and  
18 answered.

19 MS. LUKEN: Okay. This is a different invoice  
20 here.

21 MR. HARPER: Same question, basically.

22 MS. LUKEN: It's a different time frame, sir.

23 MR. HARPER: Madam, I believe he testified  
24 that he couldn't recall anything prior to 2012.

25 MS. LUKEN: I don't think that's what he said,

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1 A Correct.

2 Q Okay. And how -- how did you -- what steps  
3 did you take to determine that?

4 A The sizing?

5 Q Yes.

6 A Ma'am, the width is actually what the width of  
7 our lanes are in U.S. The sizing is something that I  
8 had asked Santiago to see if it was sound. If we have,  
9 like, a 12-foot stream, then what -- just to kind of  
10 just go over the process of how things work.

11 Q Okay. And so I mean, just can you relate to  
12 me what you believe that conversation was then? You  
13 pick up, you go to a website, you see Nature Bridges --

14 A Yes, ma'am. I do remember the website. It  
15 was -- it was a very nice website, and it drew my  
16 attention for multiple reasons. I would -- I do  
17 remember having the ability to go through all these  
18 states. It's something that drew my -- the most  
19 attention, especially being based out of Florida. And  
20 that is something that kind of struck me as how this  
21 company -- it told me this company is really big. It  
22 told me that their standard operating procedures must be  
23 very well-refined, that they are -- as they say on the  
24 website, they are one of the leading bridge companies in  
25 the nation.

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Q Okay.

A They -- I do remember just really, really very well experienced, ma'am. That's what I get out of it, and that's why I initiated my first phone call, because they really just stood out amongst anything else I may have come across.

Q Okay. So when you decided to make the phone call, who did you speak with?

A I -- my best knowledge, ma'am, I remember my first contact discussion being with Santiago.

Q Okay. And how long was that phone call?

A I can't recall, ma'am.

Q Okay. But the -- and I think we've narrowed down the phone call sometime in July of 2012?

A Yes, ma'am. Yes.

Q Okay. And what -- what was this -- what did you say during that phone call?

A Ma'am, I apologize. I can't -- we were just discussing, just kind of asking him, like, how -- just trying to get an idea of the process.

Q The process for what?

A Just how things work.

Q For what?

A The bridge construction. I know they had a couple different structures. I do see here in this

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BY MS. LUKEW:

Q Okay. All right.

What happened after the phone call?

A Just kept moving forward, and he was just explaining --

Q Okay. Wait, wait. Don't -- I'm not trying to interrupt you here, but I'm saying, what did you do next after the phone call?

A What did I do next, ma'am?

Q Yes. What was the next step in your process of moving forward with respect to helping your father out with this property?

A Ma'am, if I remember correctly, we ended up listing the property.

Q For sale?

A Yes, ma'am.

Q Okay. And that would have been around the summer of 2012; is that --

A Yes, ma'am.

Q Okay. And why did you do that?

A Bunch of family reasons, ma'am.

Q Okay.

A A bunch.

Q All right. That's fine.

Okay. What about with respect to Nature

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a-mail is wood. So, again, just -- trying to just see how -- if he can guide me into -- into how -- how this actually does work.

Q Okay. Do you specifically recall what you asked for?

A No, ma'am. I do not specifically recall at this time what we spoke about in 2012 --

Q Okay.

A -- beyond what's noted.

Q And what -- what would -- how did the -- what did he tell you during the phone call, that you remember?

A About that particular phone call, I --

Q Yes. We're talking about the very first phone call that you had. That's the only one I want to --

A Ma'am, I can't differentiate --

Q -- talk about.

A What we spoke about on the very first phone call at this time, but I know it instilled a lot of confidence in me to go forward.

Q What -- okay. Do you remember any specifics at all from this phone call?

MR. HARPER: Objection. Asked and answered.

THE WITNESS: I do not, ma'am.

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Bridges? What was your next communication with anybody from that company?

A So after some time, I wanted to help my parents, and I went back to Santiago. And we continued ongoing discussions, continued discussions.

Q All right. When you were saying to me before, I asked you how you arrived at the 12 x 20 size that you were asking for Nature Bridges to quote for you. And you mentioned something about the width of the lanes. What are you referring to there?

A The -- I know the width is -- is -- I'm trying to remember. I can't remember exactly the time frame, ma'am, but -- and exactly what we were discussing at that time either. We've had some very, very unique conversations, ma'am. I -- I don't know how else to --

Q Are you talking about our conversation here today or your conversation --

A Not at all, ma'am. Not at all, ma'am. Somewhere else with --

Q I'm just asking you, is the 12 feet the width of a normal lane of traffic in the United States that you were referencing?

A Yes, ma'am. I think that was what it was.

Q Okay. And then what about the -- who told you about that width dimension? Was that something that an

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1 engineer told you? Is that -- where did you get that  
2 information from?

3 A No, ma'am. I think I just remembered -- I  
4 know there is a tale like that. You have to be -- there  
5 is an expression that you have to be the width of two  
6 horses to be able to facilitate in Europe, and I think  
7 in U.S. it's 12 feet. So that's something that just was  
8 a starting point to kind of figure out how the process  
9 works.

10 Q And so -- I mean, I guess, just to summarize  
11 that, that was something that you independently, you  
12 know, just understood to be what was needed for the  
13 12 feet?

14 A Yeah, ma'am. I don't know exactly what that  
15 first conversation was entailed. I do know at this  
16 point, especially after going through these deposition  
17 processes, that we weren't exactly all on the same page.  
18 So I have had some pretty unique conversations, ma'am.  
19 I don't know how else to explain it at this time.

20 Q I don't understand what you mean by "unique  
21 conversations." Can you explain that?

22 Do you have something in mind?

23 A I'm asking him --

24 Q Who? Asking who?

25 A I apologise. Let me rephrase. So I'm talking

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1 about to Santiago to try to figure out the process,  
2 like, how things work.

3 Q Okay. And was this in your first conversation  
4 with him?

5 A Again, ma'am, not to differentiate, but just  
6 to just kind of explain. Like, I'm speaking to  
7 Santiago, and we're just going over how -- just trying  
8 to get a grasp of what is entailed in this process. So  
9 I'm asking him things about his website. I'm asking him  
10 questions. I'm asking him how it works. And again,  
11 ma'am, we just had some pretty interesting  
12 conversations. I don't know how else to explain it at  
13 this time.

14 Q What about the conversations were interesting  
15 or unique?

16 A Ma'am, at this point what we have as a final  
17 product with what we have discussed, I just don't know  
18 how else to --

19 Q That's not my question, sir. My question is:  
20 What about your conversations with Mr. Garcia were  
21 "unique," as you referenced?

22 A Why are we talking about square footage of a  
23 bridge? That's something that's standing out right now.

24 Q Why were you asking for a 20-foot bridge?

25 A I was.

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1 MR. HARPER: I'm going to object as having  
2 been asked and answered.

3 MS. LUKEN: That's a stretch, Counsel.

4 Go ahead.

5 MR. HARPER: No, it isn't.

6 THE WITNESS: So I'm basically trying to  
7 describe my property and just trying to get an idea  
8 of what it entailed, and so I'm asking him how it  
9 works. And so, again, it just opened up a forum to  
10 really just speak and kind of just get an idea of  
11 how much does it cost, what is the process? And  
12 really just kind of just wanting to just speak to  
13 him about how to initiate.

14 BY MS. LUKEN:

15 Q Right. My question is: How did you come to  
16 ask for a 20-foot bridge? Where did that number come  
17 from?

18 A I'm not exactly sure why that was the number.  
19 I just know in my conversations, I'm asking him, the  
20 best of my ability, if we have something that's like a  
21 waterways -- so is this here. Like, how does it --  
22 like, what is the cost or what is the -- again, just  
23 trying to just get an idea of what is entailed. What is  
24 pricing. What is the project? And just trying to  
25 understand from the company exactly what it is. I

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1 understand this.

2 Q Again, my question is: How -- your e-mail  
3 says, "I want an estimate for a 20 x 12 foot bridge."

4 We talked about the 12 feet.

5 A Yes.

6 Q You told me this issue with the two horses  
7 and, you know, your understanding that that was a normal  
8 width. My question is: How did you come up with the  
9 20 feet?

10 A Again, I just know that we had -- I wouldn't  
11 say "came up with" it. I know we spoke about -- and I  
12 can't recall exactly what we spoke about, ma'am, but it  
13 was just -- I don't -- maybe trying to describe my  
14 property. And then, I don't know exactly how that  
15 conversation really entailed, but ...

16 Q Okay. What do you -- what did you tell him --  
17 okay. The question that I really would like to get an  
18 answer to is: How you came up with asking for a 20 foot  
19 bridge? If you don't know or you don't remember, just  
20 say so.

21 A Okay.

22 Q So how did you come up with the 20 feet?

23 A I don't remember for sure.

24 Q Okay, okay. Let's look back at this site plan  
25 again for a moment, please. Okay. And again, this --

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1 to your knowledge, the first time you got this was in  
2 June of 2013; correct?

3 A The first time I got this?

4 Q Remember, we went through the e-mail with --

5 A I understand, ma'am, but again, it's the years  
6 that confuses me.

7 Q I asked you the first time you saw this  
8 permit. This document is attached to the permit.

9 A Right.

10 Q We went through the e-mails. You showed me  
11 Mr. Guddemi's to you, e-mailing it, I believe, in June  
12 of 2013?

13 A Uh-huh.

14 Q So just for clarity, the first time you saw  
15 this document, this site development plan, was June of  
16 2013?

17 A Ma'am, then you were also asking me questions  
18 about -- I'm also thinking of other possibilities if I  
19 saw it before with my father or not. I just can't claim  
20 one way or another at this time. I -- again, I'm sorry,  
21 but the number of years is --

22 Q Okay. But, we -- again --

23 A I just don't want to be committed to a time  
24 frame, unfortunately.

25 Q Well, I understand why you would not want to

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1 don't believe he's ever committed to anything. I  
2 think he's trying to commit -- he's trying to  
3 answer questions.

4 MS. LUKEN: No. He's actually being  
5 nonresponsive, Counsel.

6 MR. HARPER: Would you adjust or adapt around  
7 that? I don't disagree, necessarily, with what  
8 you're saying, but he's not being obstructive or  
9 intentionally nonresponsive, in my opinion. I  
10 think there's a disconnect that --

11 MS. LUKEN: Well, I -- I'm not sure what that  
12 disconnect is because I think that I'm being fairly  
13 clear in what I'm asking.

14 BY MS. LUKEN:

15 Q And again, if your -- if your answer is, you  
16 don't know, that's fine, but you can't have it both  
17 ways. You can't have it be, I'm not sure; it could have  
18 been; it might have been; or I don't know. I mean,  
19 those are --

20 A Ma'am -- I apologize, ma'am.

21 Q -- the two options here. You've either got to  
22 answer the question or you say you don't know, and I  
23 don't really care what the answer is. I just need an  
24 answer.

25 A I understand, ma'am. I'm sorry.

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1 be. I do want to commit to a time frame. So if your  
2 answer is -- your answer is, I don't know; I have no  
3 idea; whatever, that's different than what you told me  
4 before. Because I asked you, when is the first time you  
5 saw this permit, which is our Exhibit D. And you went  
6 through all your e-mails, and you found that e-mail from  
7 Chris Guddemi at Lan when he e-mailed it to you and when  
8 you said that's the first time. So I'm just trying to  
9 clarify.

10 A Okay, ma'am. I apologize, but when you're  
11 asking me about father, I just -- there is a possibility  
12 I may have seen it before as well.

13 Q Okay. In what context would you have seen it  
14 before?

15 A Again, ma'am, I'm not certain.

16 Q Okay. So you do not know when you first got  
17 this document, basically, is your answer now?

18 A Yes, ma'am.

19 Q Okay. And so do you want to change any of  
20 your other answers about whether or not you were  
21 involved in obtaining estimates for construction on this  
22 property back in 2010 --

23 A No, ma'am.

24 Q -- as Lan invoices indicate?

25 MR. HARPER: I'm going to object to that. I

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1 Q Okay. So the first time you saw this permit.  
2 What is the answer to that question?

3 A Sorry. I'm not sure.

4 Q You're not sure. Okay.

5 The first time you saw this site plan?

6 A Same, ma'am.

7 Q You're not sure. Okay.

8 The -- have you ever seen -- ever seen any  
9 estimates for the driveway that is shown on this site  
10 development plan?

11 A Okay. Not that I can recall, ma'am.

12 Q Okay. Have you ever seen any estimates for  
13 the house that is shown on this site development plan?

14 A Not that I can recall, ma'am.

15 Q Okay. Have you ever discussed any estimates  
16 for the driveway with your father?

17 A No, ma'am.

18 Q Have you ever discussed any estimates for the  
19 driveway with Lan?

20 A Yes, ma'am.

21 Q Okay. When was that?

22 A It was -- I believe it would be -- notice  
23 the -- I was -- just trying to think.

24 Yes, ma'am. When the bridge was constructed  
25 and the team had left, we had spoken about the driveway.

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1 And when I'm saying "we," I'm talking about Santiago,  
2 Brian Green, and I, about why the fill-in driveway was  
3 not completed at that time. And at some point I was  
4 needing to provide them with some information, and I had  
5 contacted Ian to provide with some assistance. And I  
6 believe it was through that process we noticed the  
7 bridge was located to be in the incorrect spot, ma'am.

8 Q Okay. You've got a whole bunch of stuff in  
9 there; so let's just --

10 A I'm sorry.

11 Q Let's start. My question to you was: Have  
12 you ever seen or talked about with anybody an estimate  
13 for the driveway work that's shown on the site  
14 development plan?

15 A No, ma'am. I've not received any estimates of  
16 a driveway plan prior -- I'm sorry. Is the question  
17 prior? Is there a time frame question? I'm --

18 Q At this point, any time is fine.

19 A Sorry.

20 Q You just -- you tell me what you -- what you  
21 have.

22 A Okay. Have I -- what's the question again?  
23 I'm sorry.

24 Q Have you ever seen or talked about, with  
25 anybody, estimates for the cost of constructing a

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1 would need to -- I received a preliminary budget from  
2 R & R Construction, ma'am; so I'm not possibly sure if  
3 that's one of the things you maybe referring to or not.

4 Q Okay.

5 A But if it's a proposed location, ma'am, I --

6 Q Other than -- other than that preliminary  
7 budget from whoever this is -- Contech or R & R or  
8 whatever it is -- other than that --

9 A Not that I can recall, ma'am.

10 Q Okay. And so when you ended up entering into  
11 a contract with Nature Bridges, you had no idea what a  
12 driveway was going to cost?

13 A No, ma'am. I don't think I recall what a  
14 driveway would cost before the contract.

15 Q Okay. And again, I just want to make sure  
16 this is clear here. Is it that you do not remember how  
17 much the driveway was going to cost, or you do not  
18 remember ever knowing the answer to that question?

19 A At this time, ma'am, I don't recall knowing  
20 what the driveway would cost.

21 Q Okay. What about the house? Did you ever  
22 have any idea how much the house was going to cost?

23 A No, ma'am. I don't know for sure what the  
24 house would cost.

25 Q Why did you choose to start with the bridge?

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1 driveway, the proposed location of which is shown on  
2 this site development plan?

3 A The proposed location?

4 Q Uh-huh.

5 A So I have spoken to Nature Bridges about the  
6 construction of the driveway.

7 Q Okay. And what did that entail?

8 A What did the conversation and the e-mails  
9 entail? That entailed the price of the fill, the --  
10 there was a proposal. If I can refer to the proposal to  
11 give the entire scope of what was --

12 Q Yeah. And I'm willing to do that, but we're  
13 going to do that in a minute.

14 A Sure.

15 Q I want to get through the narrative first.

16 A Okay. All right.

17 Q Okay. What was -- okay. Continue with your  
18 description of the response to my question, which was:  
19 Have you ever discussed with anybody an estimate for  
20 constructing the driveway, the proposed location of  
21 which is shown on this site development plan?

22 A The proposed location? Oh, I'm sorry, ma'am.  
23 If I may retract. I apologize.

24 Q Okay.

25 A The proposed location? Ma'am, I believe -- I

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1 A To get access to the house.

2 Q Okay. What was the plan for access -- well,  
3 okay. What is your understanding of what's involved  
4 with access to the house?

5 A Your question is why the bridge needed to be  
6 constructed first; right, ma'am?

7 Q My previous question, to which you answered,  
8 "Because we wanted to have access to the house;" right?

9 And then I said, "What is involved with  
10 getting access to the house?"

11 A Bridge and the driveway.

12 Q Okay. And so again, just to kind of circle  
13 back then, if you were interested in access, why did you  
14 choose to start with the bridge as opposed to starting  
15 with the driveway?

16 A So my -- again, I have to go back to my  
17 conversations with Santiago. Starting with the initial  
18 conversations, ma'am, as I explained to him, the goal  
19 was to basically be the entire driveway.

20 Q I'm sorry. The --

21 A So as we were talking, conversing, I -- the  
22 explanations we were coming together -- were that they  
23 would be doing the bridge and the entire driveway. That  
24 is what I got out of our conversations.

25 Q And what conversation was that?

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1 A What conversation was that?

2 Q Yeah. We established a first conversation  
3 sometime in July of 2012.

4 A Ma'am, it's the entire process from that date  
5 to signing of the contract, ma'am. It was a -- it's --  
6 my understanding was that it would be -- it would be  
7 one.

8 Q Okay. So just so I'm clear here, you somehow  
9 developed a belief that Nature Bridges was going to be  
10 doing what?

11 A I developed a belief that they would be doing  
12 the bridge, the fill, the driveway.

13 Q Okay.

14 A That was my belief, ma'am.

15 Q And why did you develop that belief? What  
16 caused you to develop that belief?

17 A What caused me to develop that belief? So  
18 conversations, ma'am, and I also received a -- a  
19 confirmation on one of the e-mails that they -- where is  
20 it?

21 MR. HARPER: Is that yours?

22 MS. LUKEN: No. These are all my documents.

23 THE WITNESS: Ma'am, I don't have it in front  
24 of me. There's --

25 (Short pause.)

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1 the contract between yourself and J.D. James, Inc.,  
2 doing business as Nature Bridges; correct?

3 A Yes, ma'am. Yes, ma'am. It's a signed  
4 contract between April and I.

5 Q Okay. Well, between you and the company;  
6 right?

7 A Sorry, ma'am.

8 Q Okay. Is that correct?

9 A That's correct.

10 Q Okay. Very good. And it says it's entered  
11 into on February 3rd, 2014; is that correct?

12 A That's correct.

13 Q Now, I see it's got you identified there as  
14 the owner. If I'm correct, you're not actually the  
15 owner of the real property; right?

16 A Ma'am, legally the owner is my father, yes.

17 Q Okay. So you're not really the owner, per se;  
18 is that fair?

19 A I know this is now a legal issue. So if  
20 you're asking me who is the owner legally, ma'am, it is  
21 my father.

22 Q All right. Do you have any sort of power of  
23 attorney on your father's behalf?

24 A Just his son. I'm just for the help. That's  
25 all.

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1 THE WITNESS: I know when Matthew Parker's  
2 site plan came back to me, ma'am. I do remember  
3 seeing that. Ma'am, I'm sorry. There's a -- let  
4 me see here.

5 Ma'am, I apologize. I remember seeing a site  
6 plan from Matthew Parker that had the driveway  
7 being indicated that Nature Bridges would be doing,  
8 and I would be doing the paving of the driveway. I  
9 can't find it right now, ma'am.

10 MR. HARPER: I'm not going to look for one  
11 e-mail out of thousands of documents. I'm sorry.

12 BY MS. LUKEN:

13 Q Okay, okay. Let's get back into here.

14 All right. You agree with me that the  
15 documents that were prepared by Mr. Parker were  
16 furnished to you after you entered into the contract  
17 with Nature Bridges; correct?

18 A Yes, as best I can recollect his -- the  
19 drawings came after -- after the contract, ma'am. As  
20 best I can recollect, yes.

21 Q Okay. I'm showing you what I'm marking as  
22 Exhibit E to your deposition.

23 (Exhibit E was marked for identification.)

24 BY MS. LUKEN:

25 Q Here's a copy for you, Counsel. And this is

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1 Q Okay. You see here where it says, "The work."

2 A Yes.

3 Q You agree that this is the portion of the  
4 contract where we identify the work that's going to be  
5 done; correct?

6 A Ma'am, I do see the contract documents, yes.

7 Q Okay. So you affirmatively agree that this is  
8 the section of the contract where it tells us the work  
9 that's going to be performed; is that correct?

10 A Yes, ma'am. It lists three individual items  
11 under the contract documents, yes.

12 Q No. I'm looking at the section that's called  
13 "the work."

14 A Oh, I apologize, ma'am.

15 Q Right. So you agree with me that's the  
16 portion of the contract that's talking about the work  
17 that's --

18 A (Reading to himself.) Yes, ma'am. I see the  
19 work. I've read that portion.

20 Q Okay. And you agree with me that this is the  
21 portion of the contract where you -- the parties are  
22 agreeing that this is the work that's going to be  
23 performed; correct?

24 A Yes, ma'am.

25 Q Okay. Very good.

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1 And this paragraph here references an  
2 Exhibit A. Do you see that?

3 A Yes, ma'am. I see Exhibit A.

4 Q All right. And then let's flip to Exhibit A.  
5 And do you agree that Exhibit A also describes the scope  
6 of work? Do you see that there?

7 A Yes, ma'am. I see the scope of work.

8 Q Okay. And that includes a free span bridge  
9 12 foot x 20 foot, linear feet, steel bridge with  
10 concrete deck; correct?

11 A Correct.

12 Q Okay. And the items that were included in  
13 that are listed below. Do you see that there?

14 A Yes.

15 Q Okay. And do you agree that those are the  
16 items that are included?

17 A Yes, ma'am. I do agree that is what is  
18 included on Exhibit A.

19 Q Okay. And, in fact, Nature Bridges did  
20 construct a free span bridge 12 feet x 20 feet with a  
21 steel bridge with concrete deck on your property -- or  
22 on your father's property; correct?

23 A Yes, ma'am.

24 Q Okay. Now, you mentioned earlier that you had  
25 some sort of belief that there was a driveway included

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1 A It says, "Modifications issued subsequent to  
2 the execution of the contract, whether before or after."

3 Q Okay. Where is there a contract modification?  
4 Do you have a document that is signed by both parties  
5 that is a modification to this contract?

6 A Ma'am, I'm referring to Matthew Parker's site  
7 plan. I don't recall, to the best of my ability, that  
8 it was something that we signed upon. It was something  
9 that was there, and I also would like to mention that we  
10 had a conference call regarding the fill in the driveway  
11 with Brian, myself, and Santiago. And they had accepted  
12 the work at that time, and that was shortly after this  
13 bridge was built.

14 Q Okay. Tell me -- all right. Let's back up  
15 for a minute.

16 Do you have any writing at all modifying this  
17 document that you signed, Exhibit E, that is signed by  
18 both of the parties to the agreement?

19 A That is signed by both of the parties?

20 Q Yes, sir.

21 A To this very document? Ma'am, I don't recall,  
22 to the best of my ability, anything that was signed by  
23 both parties -- I don't recall signing anything else  
24 beyond this particular document with Nature Bridges.

25 Q Okay. And in -- so this, Exhibit E, is the

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1 in this?

2 A Yes, ma'am.

3 Q Where within this contract is there any  
4 reference to a driveway?

5 A Okay. Ma'am, so -- ma'am, I would say as to  
6 my understanding of the Contract No. 2, "Modifications  
7 issued subsequent to the execution of the contract,  
8 whether before or after the execution of the contract  
9 agreement. Modifications to the contract issued after  
10 execution of the contract agreement."

11 And ma'am, Paragraph 1, I would identify those  
12 two portions.

13 Q Okay. One of the documents that we asked for  
14 you to bring with you here today was a copy of all  
15 documents that you contend comprise the contract between  
16 yourself and Nature Bridges. I have -- I would put in  
17 that stack Exhibit E, the document you're looking at.

18 A Okay. I'm sorry.

19 Q Would you agree with me that this is the  
20 contract between you and Nature Bridges; correct?

21 A No, ma'am. If there is other documents you're  
22 looking for, I would incorporate the site plan; I would  
23 incorporate Matthew Parker's plan as well.

24 Q Okay. Where is that stated here in this  
25 contract?

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1 only signed agreement between the parties; correct?

2 A Ma'am, yes. That is correct. Signed -- the  
3 Exhibit E is the only signed agreement by both parties.

4 Q Okay. So there is no modification to this  
5 writing that both parties have signed off on; correct?

6 MR. HARPER: I don't know if that was supposed  
7 to go in there or not.

8 THE WITNESS: Yes, ma'am. I don't think  
9 anything was -- we've always spoken about a lot of  
10 things, but we've never officially signed on -- on  
11 anything, to the best of my ability.

12 BY MS. LUKEN:

13 Q Did you ever prepare any written modification  
14 to this contract?

15 A Yes, ma'am.

16 Q And where -- where is that? Oh, I recall. I  
17 think I know what you're talking about. You --

18 A Okay.

19 Q -- you -- you had -- Nature Bridges sent you a  
20 proposed estimate --

21 A Yes, ma'am.

22 Q -- or, I believe, some fill material?

23 A Yes, ma'am.

24 Q And then you wrote back an e-mail explaining  
25 that you wanted a whole bunch of other things; right?

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1 You wanted to modify what they had provided to you?

2 (Simultaneous cross-talk.)

3 A Yes, ma'am. There were a couple -- couple  
4 things that I mentioned in there.

5 Q Okay. So just so we're clear, you did not  
6 accept that proposal from Nature Bridges; right? You  
7 instead said, Okay, I received your proposal. I want to  
8 propose making some changes to it.

9 A Not entirely the case, ma'am. So I did accept  
10 the price for the proposal. There were some other  
11 issues that were going on. For instance, they had told  
12 me they had procured fill already on the property, and  
13 so that's when I had -- that's when I asked them if the  
14 fill's already been accounted for, if you can just tweak  
15 it a little bit more and adjust the other components.

16 Q You never entered into a contractual agreement  
17 with Nature Bridges for that additional scope of work;  
18 correct?

19 A When you say -- are you asking specifically if  
20 it was signed --

21 Q Yes, sir.

22 A -- or whether it was agreed upon?

23 Q Yes, sir. You need to have a signed  
24 agreement, yes. I'm asking you --

25 A If that's the question, ma'am -- if that is

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1 me get through what I've got here, and we'll take a  
2 break in about 15 minutes, and you guys can go grab  
3 a sandwich or something if you so desire.

4 All right. Let me just get these in here.

5 All right. I'm going to show you Exhibit F. This  
6 is Exhibit F.

7 (Exhibit F was marked for identification.)

8 BY MS. LUKEN:

9 Q Do you recognize Exhibit F as the proposal  
10 that you were just mentioning?

11 A Oh, yes, ma'am. This is the proposal for  
12 filling in compaction.

13 Q Okay. And is this -- is this the proposal  
14 that you were just discussing?

15 A Proposal -- this -- the proposal -- we were  
16 referring specifically the driveway; am I correct,  
17 ma'am?

18 There was an e-mail sent as well to basically  
19 just explore further about this proposal.

20 Q Yes, yes. I'm going to get to that in a  
21 minute.

22 A I apologise.

23 Q I'm just doing this first.

24 A Sorry, ma'am.

25 Q So is this the proposal that you asked Nature

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1 the question, whether there is something signed, the  
2 answer is no.

3 Q Okay.

4 A May I ask you a question?

5 Q No.

6 A Okay.

7 MS. LUKEN: Ma'am, what time is it?

8 THE COURT REPORTER: About 1:15.

9 BY MS. LUKEN:

10 Q All right. I apologize. I wasn't trying to  
11 be abrupt with you, but I'm trying to maintain my train  
12 of thought. I'm assuming at some point you would like  
13 to take a break for lunch. Is that what your question  
14 was going to be?

15 A No, ma'am.

16 Q Oh, okay. I'm fine with doing that. I'd like  
17 to plow through this subject, though, so maybe, like, 15  
18 minutes or so, and we will take --

19 A Oh, ma'am, that's not my question. That's not  
20 my question at all. I'm okay.

21 Q Okay. Maybe in about 15 minutes we'll take a  
22 break, and if people want to go -- sorry, Ms. Court  
23 Reporter.

24 THE COURT REPORTER: Hanging in there.

25 MS. LUKEN: Lost track of time here. So let

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1 Bridges to provide to you? Is that what this is?

2 A Yes, ma'am. That is what it is.

3 Q Okay. And what's the date on this proposal?

4 A October 13, 2014.

5 Q Okay. So at this point, the bridge is  
6 completed; correct?

7 A Yes, ma'am. I believe by then the bridge is  
8 completed.

9 Q Okay. Very good.

10 Now, you -- and I just want to tie this back.  
11 because I had asked you about the contract --

12 A Yes.

13 Q -- that we had.

14 A Yes.

15 Q And my question to you was: Where within this  
16 contract does it state or imply or anything about a  
17 driveway?

18 A Okay. Ma'am --

19 Q And then you mentioned to me this  
20 modification, and I said, Well, was there ever an  
21 actual --

22 A Uh --

23 Q -- modification that everybody signed -- let  
24 me finish the question.

25 A Sorry.

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Q Is there a modification that anybody signed?

And you referred to a proposal, and so I'm going to that proposal. Is this the proposal that you believe modifies your contract in some way?

A No, ma'am. I'm sorry. I was referring to Matthew Parker's site plan, which --

Q And I'm not sure that that's exact terminology, but go ahead. Are you talking about the drawings that were prepared by Mr. Parker's company?

A Yes, ma'am.

Q Okay. And you think that that is a modification to the contract in some way?

A Yes, ma'am.

Q Okay. And why do you think that?

A Ma'am, it -- I don't have it in front of me, but I believe it confirmed my understanding that the -- what I've conveyed to Santiago, I thought would be all along, that Nature Bridges would do the fill.

My understanding was they would do the entire driveway, and I would be doing the asphalt, I believe, ma'am. I just need to confirm that from his -- from his rendering, but I believe that's what I noted from there.

Q Okay. Well, if that's the case, when did you receive Mr. Parker's drawings? They were provided to you as a courtesy, I believe, prior to construction of

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complete, shortly thereafter.

Q Uh-huh?

A And then he told me that he would speak to the project manager, and I think that was the first time I had actually spoken to the project manager. And that is when we spoke about the driveway and fill, and so basically, they identified the issue that 55,000 would not be enough to pay for it.

And that's when I told them that -- so we identified that the -- that the money was the issue, why it wasn't done. That's what we had discussed. And so I had told them that, okay, maybe it's my misunderstanding that it didn't show up on this price, and I would -- I would -- if you guys honestly forgot, then I'll just -- I'll pay for the -- for the extra service.

Q Okay. So you realized you were wrong and that the driveway and fill material was not included in your contract?

A No, ma'am. I didn't realize I was wrong. I was trying to be peaceful. I was saying, if you guys honestly forgot, it's no --

Q Did anybody ever indicate to you that they forgot, or is that just the term that you're using?

A That's a term -- I can't say for sure if that's the terminology used, but there was some

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the bridge?

MR. HARPER: Objection to --

THE WITNESS: It was after the contract, but yes, ma'am, it was prior.

BY MS. LUKEN:

Q Prior to the bridge being constructed; correct?

A I would check the date for sure, but I -- if you're asking me from my memory, yes, I would say -- I would say so.

Q Yeah. You've got to have the plans before you can build it, right?

A Yes, ma'am. I just don't want to lie under oath.

Q Just query me this: If your belief at the time you entered into this contract and at the time you got those plans from Matthew Parker was that fill material and driveway was all included, why did you ask Nature Bridges to provide you a proposal for an additional \$27,000 to do a portion of that work?

A I understand the question, ma'am.

Q Uh-huh.

A So there was a -- I had called Santiago.

Q When?

A Sometime roughly after the bridge was

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confusion as to who's going to do what.

Q Well, whose part was the confusion on? Was it on your part?

A I honestly would like to say it was all around, poorly coordinated.

Q Okay. But you told me that when you first spoke to Mr. Garcia, and you don't remember the details of it -- that you were asking about a bridge. And now all of a sudden you're thinking that that includes a driveway and fill material and all sorts of other stuff.

A Yes, ma'am.

Q So, I asked you if there is any writing that tells you that. You're telling me that you think the plans that were -- or the documents that were developed by Mr. Parker somehow indicate that, and we'll get to that in a minute. But I mean, it sounds like Nature Bridges understood what they had contracted with you to do and that you were the one that were confused.

MR. HARPER: Objection. Is there a question? BY MS. LUKEN:

Q Were you confused, sir?

A No, ma'am. I was pretty clear.

Q When were you clear about what you wanted?

A I was clear all along, and I believe the site plan confirmed with clarity that my conversations with

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1 Nature Bridges is confirmed.

2 Q Okay. Well, you told me just a few minutes  
3 ago that you felt that Matthew Parker's drawings were  
4 somehow a modification to this contract?

5 A Ma'am, let me rephrase. So the site plans  
6 confirmed what I had thought all along, what I've  
7 conveyed all long.

8 Q Well, when did you share this information with  
9 Nature Bridges that you wanted a driveway and fill  
10 material?

11 A Ma'am, I've been speaking to Santiago --

12 Q When did you tell him this?

13 A Ma'am, I can't identify a particular time  
14 frame.

15 Q Okay. So you don't have any recollection of  
16 when you said it. Your only recollection is that you  
17 did; is that correct?

18 A That is correct, ma'am, yes.

19 Q Okay. And so what did you specifically say?

20 A I said the -- basically identified the goal  
21 was to drive up to the property.

22 Q Okay. So you never -- you never said, I want  
23 you to price for me a driveway?

24 A Ma'am, I spoke to him. I told him my goal. I  
25 had -- I mean, I thought I was pretty clear on my end,

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1 correct?

2 A Ma'am, I'm not saying it's on here, ma'am.  
3 I'm just saying we discussed it.

4 Q Oh, okay. Let's look at the very first page  
5 of your contractual agreement, if we can please. Do you  
6 see on Page 1 under Paragraph 1 that, "The contract  
7 represents the entire and integrated agreement between  
8 the parties hereto and supersedes prior negotiations,  
9 representations, or agreements, either written or oral"?

10 Do you see that there?

11 A Ma'am, I do see that there.

12 Q Okay. Did you -- you did read this contract  
13 before you signed it, didn't you?

14 A Ma'am, I read it to the best of my ability,  
15 ma'am.

16 Q Okay. And so you understood, then, that this  
17 is our agreement now. Everything that we said before is  
18 now -- it's all in here. This is what we're going to go  
19 by as the rules of the road for this project.

20 Did you understand that?

21 A Again, ma'am, there's two things. One, I put  
22 a level of trust in any kind of contract when you're  
23 dealing with someone. You hold them to a high degree,  
24 that they know exactly what needs to be done, what they  
25 need to do, how to do things in their -- in their

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1 to be honest. I know we've had some pretty -- very,  
2 very --

3 Q Okay. Well, when you received this proposal  
4 from Natures Bridges, Exhibit A to your contract that's  
5 attached to the document you signed, you don't see a  
6 driveway on here at all, right?

7 A Yes, ma'am.

8 Q So why didn't you say something before you  
9 signed your contract?

10 A Ma'am, there's a certain level of trust. I  
11 understand that -- I know it's laughable, ma'am. I do  
12 understand that. But I took these guys into very high  
13 regards when I was speaking to them, initiating with  
14 them.

15 Q Well, and that was well taken that you did  
16 because they're honorable people, sir.

17 MR. HARPER: Objection. Is there --

18 BY MS. LUKEN:

19 Q They wrote you a proposal that says, We're  
20 going to give you a bridge.

21 And did you read this proposal before you  
22 signed the contract?

23 A Yes, ma'am.

24 Q Okay. And there's nothing on here that says  
25 there's a driveway involved or any fill material;

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1 professional manner. But in here, I was stating the --  
2 the particular document was the -- was the Matthew  
3 Parker's drawing that came after the contract was  
4 signed. That was the -- that was the -- I believe that  
5 was the document I was referring to, which confirms  
6 everything that I had been saying to them or trying to  
7 say to them all along. So, that's my answer, ma'am.

8 Q Okay. How much experience do you have in  
9 reading plans?

10 A Reading --

11 Q Whether it's a site development plan that's  
12 developed by your engineers up in New Jersey or  
13 structural design for a bridge. How much experience do  
14 you have in reading and understanding those plans?

15 A Ma'am, I don't know how to measure.

16 Q Any experience at all?

17 A When you say "experience," is it --

18 Q Have you ever read a site development plan  
19 before this particular one that we have attached to one  
20 of our exhibits?

21 A Ma'am, I've looked at them. I don't know what  
22 you're asking me. What I've --

23 Q Do you know how to read them or what they  
24 mean?

25 A Again, ma'am, if you show me the site plan and

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ask me questions, I can tell you whether I know it or not. I don't know --

Q Again, I'm asking you in the abstract; okay? Prior to your dealings with Nature Bridges, have you ever had occasion to look at a set of structural plans for a bridge?

A This is the only bridge project I've ever dealt with, ma'am.

Q Okay. So Matthew Parker's structural plans for this bridge, those are the first ones you ever laid eyes on; is that fair?

A Yes, ma'am. I would say that's -- that would be the first structural bridge drawing that I can recollect at this time, ma'am, yes.

Q The site development plan that we're now not sure when you saw for the first time, but that was developed by Lan many, many years ago, back in 2008.

A Yes, ma'am.

Q That's the first site development plan you ever reviewed; correct?

A When you say -- again, I apologize. When you say "reviewed," like what are --

Q Is that the first one you've ever seen in your life? Site development plan?

A Have I seen in my life?

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MS. LUKEN: We are. We're going to finish this line of questioning, and then we're going to take a break; okay?

MR. HARPER: I think I might be able to help, hopefully.

MS. LUKEN: I don't think he needs your help. I'm just trying to get the answers to my questions.

THE WITNESS: Ma'am, I just don't understand what the questions really are. Like, are you asking me if I've seen site plans before?

BY MS. LUKEN:

Q Okay. When we were talking about -- when we were talking about the last page of Exhibit D, I asked you, for example, what the last -- no, no, no. Keep it there. Keep it there.

I asked you what the last paragraph of the plan notes meant; right?

A The proposed question, ma'am; right?

Q Yes, sir. Right.

And I asked you -- I asked what that meant.

And your response to me was, "I don't know. You'd have to be an engineer or a contractor to understand what that means."

That was your testimony; right?

A Oh, yes, ma'am. I'm saying the engineer would

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Q Sure.

A Like -- including, like, books when I'm going through --

Q Okay. Let's go back. Let's go back to our exhibit here. Going to Exhibit D. Okay. This is a site development plan; right?

Can we agree that that's what that is? Exhibit D, the last page?

A Yes, ma'am.

Q Okay. And we know it's a site development plan, because it says it in the lower -- right lower -- excuse me -- on the right-hand side of the document; right?

A Yes, ma'am.

Q Okay. When prior to, whenever it is that you saw this for the first time, had you seen any other site development plans before?

A Ever, ma'am?

Q Yes.

A Ma'am, are you -- you're only asking if I've seen them?

Q Uh-huh?

A Just to see?

Q Sure.

MR. HARPER: Can we take a break?

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interpret it how an engineer would; a contractor would interpret that how a contractor would.

Q Right. And you had no opinion whatsoever as to how you would interpret it; right, because you're not a contractor and you're not an engineer?

A Yes, ma'am. I would interpret it how I would interpret it.

Q Okay. Well, I asked you what that was, and you told me you had no interpretation. It says right here, "They are not construction plans and should not be used for that purpose."

And I asked you what you understood that to mean. You did not have an answer. Do have you some answer to that?

MR. HARPER: I, for the record, will object as it being -- having been asked and answered.

BY MS. LUKEN:

Q Do -- do you have any understanding how to interpret this document, sir?

A Ma'am, again, you're asking for just any understanding. I don't know.

Q What's a driveway profile?

A Okay. So what is it this proposed driveway profile?

Q No. What is a driveway profile? Do you know

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1 what a driveway profile is?

2 A Driveway profile. I'm not sure what the  
3 profile ...

4 Q Okay.

5 All right. Let's take that break, and we'll  
6 come back. How long do you need, Mr. Harper?

7 MR. HARPER: If I can have 45 minutes, that  
8 would be great.

9 MS. LUKEN: I'm sorry, what? 45?

10 MR. HARPER: Yes, ma'am.

11 MS. LUKEN: That's fine. That's fine.

12 (Recess from 1:33 p.m. to 2:27 p.m.)

13 MS. LUKEN: All right. Let's go back on.

14 BY MS. LUKEN:

15 Q All right. Mr. Chaudhari, you're still under  
16 oath. And we're going to continue as much as we can  
17 here today. I can tell you that we are not going to  
18 complete this deposition today.

19 A Sure, ma'am.

20 Q I believe we've got a fair amount of other  
21 things to cover, and I think that probably my plan, at  
22 least right now, is to adjourn at 5 o'clock. And we're  
23 just going to have to reschedule another time to  
24 complete the deposition.

25 A Okay.

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1 A Ma'am, there is an overlap of science; so  
2 there are things that I do understand. And I can  
3 specify with my understanding of what I do understand to  
4 help interpret what I get out of it.

5 I apologize for before. I didn't  
6 differentiate whether you were asking me technical  
7 questions that -- that I should be worried if I was  
8 interpreting it to be wrong if I state that. But I can  
9 tell you what I get out of it, and I'll state it as my  
10 understanding for it.

11 So, yes, ma'am. I'm a nuclear pharmacist. I  
12 do have a background in science and there is an overlap  
13 in science, math, and engineering. So I could tell you  
14 what I understand out of this site plan.

15 Q Okay. And we'll get to that in just a moment.

16 A Yes, ma'am.

17 Q Have you ever taken an engineering class, for  
18 example?

19 A I've taken math and science courses, ma'am.  
20 So if you're talking specific engineering designated  
21 classes, then I'm going to say no.

22 Q Okay. And where did you receive your  
23 education?

24 A Rutgers, ma'am. Pharmacy school.

25 Q Okay. And was that for just the pharmacy

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1 Q Try to get through as much as we can --

2 A Sure, ma'am.

3 Q -- here today.

4 A Yes.

5 Q And I think when we left off, we were  
6 discussing some of the aspects of the site development  
7 plan.

8 A Yes, ma'am.

9 Q And if I can get that document back in front  
10 of me here ... here we go.

11 I believe I was asking you about some of the  
12 aspects of this site development plan, and I guess what  
13 I was really getting at is something a little different.  
14 So let's -- I'm going to try this from a different  
15 direction --

16 A Okay.

17 Q -- so we can get to the same result.

18 A Okay.

19 Q You indicated to me at the beginning of this  
20 deposition that you were a nuclear pharmacist.

21 A Yes, ma'am.

22 Q Correct?

23 A Correct.

24 Q Have you ever had any training, education, or  
25 experience with respect to engineering?

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1 school program? Where did you go to undergraduate?

2 A Yes, ma'am. It's a combined six-year program.

3 Q Okay. So you went to Rutgers, and you did an  
4 undergraduate program in what?

5 A Pharmacy, ma'am. Pharmacy.

6 Q And then the combined version of that, I  
7 guess, would be the equivalent of, like, your master's  
8 degree; is that correct?

9 A That is correct. It's a direct RMD program.

10 Q Okay. When you were at Rutgers, did -- have  
11 you obtained post high school education anywhere other  
12 than Rutgers?

13 A Post high school? I did calculus III in -- my  
14 senior year in high school through CCM.

15 Q Okay. Post high school. I meant after high  
16 school.

17 A I apologize. Community college.

18 Q Okay. That's fine. That's fine. So -- but  
19 the answer to my question, with respect to any post high  
20 school education would have been had at Rutgers?

21 A I understand that, yes. It went directly from  
22 high school to Rutgers pharmacy course.

23 Q And a very fine campus, Rutgers. It's a good,  
24 good school.

25 A Thank you.

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1 Q And when you were at Rutgers, did you take any  
2 engineering classes?

3 A No, ma'am. Nothing that specified engineering  
4 directly.

5 Q Okay. Did you take any classes in  
6 construction?

7 A No, ma'am.

8 Q Did you take any classes in construction  
9 management?

10 A No, ma'am.

11 Q Have you ever had occasion in any capacity to  
12 be involved in a construction project?

13 A In any capacity construction project? Again,  
14 ma'am, I'm sorry. It's again, one of those questions I  
15 tend to overthink. Nothing of the skill, if that's --  
16 if that's the version of it. If you're asking for any  
17 capacity, little details around the house, are we  
18 calling that construction projects or not?

19 Q Sure. We can call that --

20 A Okay. Sure, ma'am. Then, yes. I've been  
21 involved with construction around the home --

22 Q Okay. And what type of construction around  
23 your own home have you done?

24 A Have I hired someone to do or have I done?

25 Q Let's focus on what you have hired somebody to

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1 Q There were no plans that were required for  
2 that?

3 A That's correct, ma'am, just simple.

4 Q And so with respect to the kitchen project,  
5 the cabinetry issue is that you did get that from  
6 Lowe's; is that correct?

7 A Yes, ma'am.

8 Q Okay. And so Lowe's basically sent a man over  
9 and they looked at what you said and they explained to  
10 you what they were going to do?

11 A To that's correct, ma'am. He came over; we  
12 spoke in person, and we developed what we needed to do.

13 Q Okay. So there were no, let's just say for  
14 the moment, signed and sealed drawings that were  
15 prepared relative to your kitchen cabinet project?

16 A Signed and sealed drawings? No, ma'am. It  
17 wasn't signed and sealed. It was just a normal kitchen  
18 project renovation. I don't think they were quite  
19 signed and sealed.

20 Q Right. So it was basically then just a  
21 drawing showing what the cabinets were going to look  
22 like?

23 A With the dimensions, ma'am, yes.

24 Q Okay, okay.

25 And then, just for reference, you have a site

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1 do.

2 A All kinds of things, ma'am, bathrooms,  
3 kitchens, bedrooms.

4 Q Did any of those involve the preparation of  
5 plans?

6 A Involve preparation of plans? Yes, ma'am.

7 Q And were those plans prepared by an engineer  
8 or an architect?

9 A Yes, ma'am. For instance, I'm thinking right  
10 now is like the kitchen cabinets. Like, if someone from  
11 Lowe's were to do that, I don't know if he's an  
12 engineer, architect, but he's qualified to do it.

13 Q Okay. So this would just be like cabinet  
14 replacement?

15 A That's one example of it, ma'am.

16 Q Okay. And you mentioned bathrooms. What  
17 would have -- is this a remodel of a bathroom or --

18 A Yes, ma'am. Just a remodel.

19 Q Okay. And who did you hire to do that?

20 A My friend.

21 Q Okay. Was he a contractor?

22 A Yes, ma'am.

23 Q Okay. And did he develop any plans, or did he  
24 hire someone to develop any plans?

25 A No, ma'am.

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1 development plan in front of you; correct?

2 A That's correct, ma'am, yes.

3 Q Is this is part of our Exhibit D?

4 A Correct, ma'am.

5 Q And the last page of Exhibit D. Do you see in  
6 the upper right-hand corner there is a signature by a  
7 Richard A. Westbrook?

8 A Yes.

9 Q Do you see that there?

10 A I see them, ma'am.

11 Q And so that's the professional engineer that  
12 prepared this drawing; correct?

13 A Understood, ma'am. Yes.

14 Q Okay. And do you understand that this is  
15 what's meant by a signed and a sealed drawing?

16 A I understand that, ma'am, yes.

17 Q Okay. And so my question is: For either of  
18 these projects that we were discussing, your bathroom  
19 project or your kitchen project, did you have any signed  
20 and sealed drawings?

21 A No, ma'am.

22 Q Okay. Other than the bathroom and the kitchen  
23 project, any other projects where you might have had  
24 signed and sealed drawings that were involved?

25 A No, ma'am. Everything I've done that I can

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1 recall would be just these sorts of tasks.

2 Q Okay. Very good.

3 All right. You were mentioning to me your  
4 belief with respect to some drawings that you had  
5 received -- and let me get those out here. Well, maybe  
6 let's -- since I've numbered this this way, we'll tie  
7 this one up first. The proposal that you received from  
8 Nature Bridges after the bridge was constructed.

9 A Yes, ma'am.

10 Q This is Exhibit F; right?

11 A Yes, ma'am, it's Exhibit F.

12 Q Okay. Very good.

13 With respect to this -- and I want to make  
14 sure we're clear here. You did not accept this proposal  
15 as written; is that correct?

16 A Did I accept the proposal as written? No,  
17 ma'am. There's a lot more work detail. I did not  
18 accept that proposal as written.

19 Q Okay. Very good.

20 Let me show you Exhibit G to your deposition.  
21 And I'm sorry, what are the numberings on the lower hand  
22 corner of that?

23 A Lower left-hand corner, ma'am?

24 Q Yes.

25 A The right-hand corner?

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1 A No, ma'am. They've never signed the  
2 amendments, but, yes, they accepted the work.

3 Q I'm sorry. You're going to have to explain  
4 that to me a little bit more.

5 A So we had a conference call immediately after  
6 discussing the project. We had many more conference  
7 calls that became more and more involved, and they  
8 became more and more involved because the location  
9 changed. The entire traffic profile changed. And this  
10 is where the issues have been from 2014 to date, how did  
11 the location get changed.

12 Q Uh-huh. So the location got changed?

13 A Yes, ma'am.

14 Q Very good. Let's direct our attention to this  
15 e-mail right here.

16 A Understood.

17 Q Where you're making a proposed amendment to  
18 the proposal that is Exhibit F?

19 A Yes, ma'am.

20 Q Okay?

21 A Uh-huh.

22 Q Did you have a phone conversation about your  
23 proposed amendment to that proposal?

24 A Ma'am, I have had many conversations about  
25 many times. So one of the conversations is going back

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1 Q Or, I'm sorry. The right-hand corner.

2 A 134 and 135.

3 Q Very good. I just want to get to where you  
4 are.

5 All right. So is -- this is an e-mail from  
6 you amending or proposing amendments to the proposal; is  
7 that correct?

8 A Yes, ma'am, and there is also conversation  
9 that I recall about this project as well.

10 Q Okay. I'm just asking about this e-mail.

11 A Sorry, ma'am. Yes.

12 Q That's fine. That's fine.

13 You -- you are -- and I don't want to put  
14 words in your mouth, but I believe these are the words  
15 that you used. You are sending to Nature Bridges a  
16 request to amend their proposal that is Exhibit F; is  
17 that correct?

18 A That is correct, ma'am, yes.

19 Q All right. Very good.

20 And then within this e-mail, you are  
21 essentially proposing some additional items of work; is  
22 that correct?

23 A Yes, ma'am.

24 Q Okay. And Nature Bridges did not ever accept  
25 your amendments; correct?

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1 to Santiago saying, are you still interested in doing  
2 the backfill because I've already acknowledged to do the  
3 backfill and the work?

4 Q Sir, my question is very specific. Please  
5 listen to exactly what I'm asking you.

6 Did you have a phone conversation with Nature  
7 Bridges about your e-mail dated October 15th, 2014?

8 A Ma'am, again, with these dates, I can't  
9 differentiate what conversations I have had when. For  
10 the purposes of this, ma'am, I'm trying to give you as  
11 much information as possible to assist, but if you're  
12 asking me specific dates, ma'am, I just can't commit to  
13 it. I can't tell you exactly what we spoke then  
14 October 15, 2014.

15 Q Okay. So you do not, as we sit here, have any  
16 recollection of a conversation that you had with Nature  
17 Bridges about your e-mail dated October 15th, 2014,  
18 wherein you proposed multiple amendments to Exhibit F?

19 A As I'm sitting here, I remember multiple  
20 conversations I've had with multiple individuals at  
21 Nature Bridges. I can't differentiate the time frame,  
22 but this has been an ongoing issue until the point I was  
23 sued.

24 Q Okay. Again, I just want an answer to my  
25 question.

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1 A Ma'am, your question is very specific. I'm  
2 trying to give you as much information. I don't know  
3 the specific time frames, ma'am. I don't know how it is  
4 possible to differentiate.

5 Q It is really a yes or no question. My  
6 question is this: As we here right now today, in this  
7 room, in the deposition of you in this case, do you have  
8 a recollection of a phone conversation that you may have  
9 had with Nature Bridges with respect to your e-mail  
10 dated October 15th, 2014, wherein you list out various  
11 additional amendments that you would like to make to  
12 this proposal?

13 A Ma'am, the issues is complicated. It cannot  
14 be identified with a yes or no answer. I will tell you  
15 that this has been ongoing issue for quite some time.  
16 There are many, many conversations and many, many  
17 e-mails we've had to address this problem.

18 Q Sir --

19 A And I can't -- if you're --

20 Q It's a yes or no question.

21 A Ma'am, I cannot commit to a yes or no answer.

22 Q Ms. Court reporter, will you please read back  
23 my question? We're going to try this one more time.

24 A I understand, ma'am.

25 Q And I do not want to have to go and take

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1 to do what they committed to do?

2 Q And none of that is addressed in your e-mail?

3 A None of this is addressed in this particular  
4 e-mail, ma'am, yes.

5 Q Okay. So my question was: With respect to  
6 the items that are identified in this e-mail, did you  
7 have any conversations with Nature Bridges, and if so,  
8 with whom and what was the substance of them?

9 A Ma'am, so the main substance was speaking with  
10 Santiago and Brian is when they would be coming back to  
11 finish it up.

12 Q Okay. And they did not agree to it; correct?

13 A They did not give me a date. They agreed to  
14 the scope of the work.

15 Q I didn't catch the last part of what you said.

16 A They did not give me a date, but they agreed  
17 to come back and do the fill. Furthermore, I would like  
18 to add a statement. Brian Green told me he would shake  
19 my hand in person when he comes back to complete the  
20 project.

21 Q Okay. And when was that phone conversation?

22 A Ma'am, again, I cannot commit to a time frame.  
23 but I will tell you that has been an ongoing issue for  
24 quite some time, until the point that I was sued.

25 Q You've said that several times now, and I

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1 further action on this, but I want to you listen to the  
2 question as she reads it. And I believe this is a yes  
3 or no question.

4 A Okay, ma'am. Let me -- let me -- let me hear  
5 it, please.

6 Q Listen very carefully.

7 (Record read.)

8 THE WITNESS: Ma'am, to the best of my  
9 ability, I will say, yes, I did. I had called to  
10 follow up on this proposal.

11 BY MS. LUKEN:

12 Q Okay. And what was the substance of that  
13 conversation?

14 A Of this particular conversation?

15 Q This -- this particular one that we're asking  
16 about.

17 A The particular subject matter was the entire  
18 driveway profile and top scope of work being changed.  
19 We would need driveway plans to proceed forward. I was  
20 waiting on those plans from Matthew Parker, who would be  
21 responsible for designing the plans, and I was waiting  
22 to see -- I was waiting to get the exact amount of the  
23 fill that was also at issue. We didn't identify how  
24 much fill I exactly needed for this completion. So --  
25 and a date. When are they actually going to come back

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1 understand what you're saying. But if you would just  
2 listen to my question and just answer the question, this  
3 whole process will go a lot quicker.

4 A Please repeat?

5 MS. LUKEN: Can you repeat my question?

6 THE WITNESS: Sorry, ma'am.

7 (Record read.)

8 THE WITNESS: Ma'am, if you're asking me to  
9 commit, I will say, yes, there is a phone  
10 conversation. I cannot remember the date, but if  
11 it's a yes or no answer you want, I'm going to have  
12 to say yes.

13 BY MS. LUKEN:

14 Q Okay. And what is your contention that was  
15 said on this phone call by Mr. Green?

16 A Again, many phone calls. So going back to the  
17 conference call between Santiago, Brian, and I.

18 Q No, no, no, no. I just want this call.

19 A Sorry. Yes, ma'am. And so he had said that  
20 he would come back in person and shake my hand when this  
21 project was complete, and by "completion" I mean the  
22 entire driveway.

23 Q Okay. And did you make any contemporaneous  
24 notes of this discussion anywhere?

25 A No, ma'am. I made no notes. Many

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1 conversations like these.

2 Q Did you have any recording of this phone  
3 conversation?

4 A No, ma'am. I have no recordings.

5 Q Okay. And you did not ever receive from  
6 Nature Bridges any written agreement that they would  
7 perform any of the work identified here in Exhibit F?

8 A Ma'am, I have not received from Nature Bridges  
9 anything that I've had asked, which included why my  
10 location was changed. They have not agreed, besides the  
11 part on phone -- phone calls that they've accepted this  
12 work. And they have been very limited in terms of  
13 including me on what happened with my project.

14 Q There is no modification to your contract that  
15 includes the scope of work that is identified in Exhibit  
16 F or the additional issues that you are requesting in  
17 Exhibit G; correct?

18 MR. HARPER: Objection. Calls for legal  
19 conclusion.

20 THE WITNESS: Ma'am, my entire project has  
21 been modified; so I'm not sure how you want me to  
22 handle that question.

23 BY MS. LUKEN:

24 Q Okay. I am asking you about a matter of  
25 contract. We went through -- we have a written

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1 contract; right? Exhibit E; correct?

2 A Yes, ma'am. We do have a contract.

3 Q Right. And my question is: Is there any  
4 written modification of that contract which includes  
5 either the scope of work that is set forth in Exhibit F  
6 or the additional items that you were requesting as an  
7 amendment in Exhibit G?

8 A Ma'am, I --

9 Q That's a yes or no question also.

10 A Could you please repeat that one more time?  
11 I'm sorry. Sorry.

12 MS. LUKEN: I'm sorry Ms. Court reporter.

13 Could you do that one again?

14 THE COURT REPORTER: Sure.

15 (Record read.)

16 THE WITNESS: And I have to answer yes or no?

17 BY MS. LUKEN:

18 Q Yes.

19 A I answer yes.

20 Q Okay. Where is that written document that  
21 makes that modification?

22 A The rendering I'm considering to be a written  
23 document.

24 Q Which rendering are you referring to, sir?

25 A The rendering I'm referring to is Matthew

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1 Parker's site plan which confirmed what I've been  
2 telling Nature Bridges all along, that they were  
3 responsible to do further work which never got  
4 completed.

5 Q Okay. Why would you agree to pay an extra  
6 \$27,000 for work that you believe was already included?

7 A Exactly, ma'am. Why would they not come back  
8 to finish it?

9 Q Why did you want to agree to that, I guess is  
10 my question.

11 A Trusting.

12 Q I don't understand what you're referring to.

13 A I'm referring to trust, ma'am.

14 Q Okay. Sir, it's either included in your  
15 contractor or it's not.

16 A No, ma'am. I'm afraid this project or this  
17 case is not that simple. Yes or no answers are limiting  
18 my ability to defend myself in this deposition, and I'm  
19 trying to convey to you as much information as possible  
20 to -- I can tell you from my side what is happening, and  
21 hoping that you can see some things from my point of  
22 view as well.

23 I understand you are their attorney, ma'am,  
24 but I come here to fully cooperate and provide you  
25 information as best of my ability as I can to resolve

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1 these matters which have been pending for three, four  
2 years. And please keep in mind, I was the one that was  
3 sued. And yes, I was the --

4 Q Because you failed to pay.

5 A And I was the one who gave them \$27,000 when  
6 they asked.

7 Q I'm sorry. You are claiming that you --

8 A I'm sorry --

9 Q -- gave them \$27,000 as set forth in Exhibit  
10 F?

11 A My apologies, ma'am. I did not -- I did not  
12 identify that as a part of Exhibit F, but I will like  
13 to, just to convey to you some of the things that were  
14 ongoing.

15 First of all, I asked for permission from  
16 April to withhold money. I've always met their demands,  
17 and she has not contacted me at any point for this  
18 lawsuit. It was inflicted upon me, and I have yet to  
19 receive any information regarding why my location got  
20 changed and what is the real reason the size has been  
21 changed.

22 Q Well, you asked for a 20 x 12 bridge.

23 A That is not correct, ma'am. I asked Santiago  
24 about -- we spoke -- I spoke to Santiago, and he has  
25 answered my questions. And there is a big issue that

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1 needs to be identified with the process.

2 Q Sir, your prior testimony was fairly clear on  
3 this topic. Are you changing your testimony?

4 A Ma'am, it depends on the type of questions  
5 you're asking. Some of these questions are a yes or no  
6 matter, which I just don't think I can fully include.  
7 I'm trying to identify that there is a lot of  
8 communication gaps. We needed to -- I requested a  
9 specific site visit. I requested a specific review of  
10 my process, which never happened. It left things  
11 pending. There's obvious communication gaps and there's  
12 obvious matters that need to be addressed.

13 Q Okay. Sir, do you recall I showed you  
14 Exhibit 1 from Mr. Garcia's deposition? Do you recall  
15 that?

16 A Ma'am, I recall this.

17 Q Okay. And I asked you: Why did you ask for a  
18 20 x 12 foot bridge. And you explained to me that  
19 12 feet was based on horses or something like that. And  
20 then I asked you about the 20, and you said you did not  
21 know. So -- so -- I'm sensing from your responses that  
22 you are now having second thoughts about that answer.

23 A Yes, ma'am.

24 Q Are you trying to change your testimony?

25 A I am having second, third, and fourth thoughts

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1 about a lot of answers, and they're being influenced  
2 because of the deposition I heard yesterday where I can  
3 say I was blatantly lied to, and I have no idea what the  
4 truth is at any point. I'm receiving responses that  
5 only an engineer would be able to handle, and I have no  
6 idea what to make out of any of these e-mails because  
7 they just don't make sense anymore. You're holding me  
8 accountable for all this literature here, and I have no  
9 idea who I'm actually speaking to and what they're  
10 actually doing. I have 70 pages of e-mails from Contech  
11 Engineering and R & R Construction, ma'am, and I have  
12 300 pages of this.

13 Q Uh-huh.

14 A Why is there a difference, is my -- what I  
15 keep asking myself. And that's when I realize what the  
16 issue is, and that's what I've been explaining to  
17 myself. How this actually happened. Why is something  
18 so seamless, so technical, so routine, get botched up  
19 like this when they're the experts who perform all this  
20 set of standard operating procedures on all these dates?  
21 How can this project get botched?

22 Q Sir, when you were approaching this -- this  
23 inquiry with Nature Bridges, and your decision that you  
24 wanted to build the bridge first, why did you not hire a  
25 general contractor to manage or, you know, conduct this

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1 project when you have no experience managing a project  
2 of this size and scope?

3 A I did that, ma'am. I hired Nature Bridges.  
4 They are general contractors. If you look at the  
5 website, they identify themselves as general contractors.  
6 That's how I picked them up. That's how they market  
7 themselves.

8 Q Well, they have a general contractor's  
9 license, to be sure.

10 A Ma'am, to be sure --

11 Q Right? You agree with that?

12 A To be sure, ma'am. I described this project  
13 to the best of my ability. I know we missed a very  
14 critical step which is the site visit where we sit down  
15 and go over these plans, discuss and confirm we are on  
16 the same page. And that did not happen. I confirmed --

17 Q Sir, you have a contract for a bridge; okay?  
18 You do not have a contract for construction management.  
19 You do not have a contract for a driveway. You do not  
20 have a contract for fill material. You have a contract  
21 for a bridge that you requested to be a specific size.

22 MR. HARPER: Objection.

23 BY MS. LUKEN:

24 Q So I am trying to determine why you believe  
25 there is a whole bunch of other stuff included in it.

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1 Because you're not able to point me to anything in the  
2 contract that says that, and I'm trying to understand  
3 what the basis for your belief is.

4 A There's a lot of information in the contract,  
5 ma'am. I'll do my best of my ability to recite some of  
6 the contract. And I'll -- again, ma'am, I'm a nuclear  
7 pharmacist. I'm not an attorney, but I will do my best  
8 to try. So I apologize if I come off incoherent, but  
9 let me at least attempt to answer that question as to  
10 the best of my ability.

11 Q Okay.

12 A If I asked them to build a 20-foot by 12 -- 20  
13 x 12 dimension bridge, who chose the location and why  
14 was it changed? If those were that instructions --

15 Q Okay. Now, hold on for one second here.  
16 Nobody instructed you anything. You sent an e-mail to  
17 Nature Bridges saying, I want a 12 x 20 bridge; correct?

18 A Ma'am, this is regarding -- this is a  
19 discussion matter that I'm speaking with Santiago. He's  
20 fielding my questions. I'm looking at him as a guide  
21 from their website as to how standardized and how  
22 complete of a company they are, all the projects they've  
23 completed, everything they have achieved. And I'm  
24 looking for him to be the guide and look further on this  
25 process. He's answering questions that are very

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1 technical. There's obviously a gap in the things that  
2 need cleared up, both from my end and from their end.

3 I have the same set of conversations with  
4 another company from Contech Engineering with the stated  
5 size, ma'am, and those two conversations have gone in a  
6 completely different path.

7 Q Okay. And again, I don't -- I don't know that  
8 that gets us any further to, I think, any of my  
9 questions answered.

10 A Okay, ma'am. So, please --

11 Q Let's -- let's -- I tell you what. I'm -- I  
12 going to -- I'm going to address a couple of other  
13 things. I think the contracts speaks for itself, and I  
14 think that you're bound by a written agreement that you  
15 signed that sets forth various things that are going to  
16 be done, and it also provides for exclusions as well.

17 Let me just ask --

18 MR. HARPER: Objection to the --

19 MS. LUKEN: I'm having a conversation first,  
20 sir.

21 MR. HARPER: Yes, ma'am.

22 MS. LUKEN: Just the same way that you're  
23 client is doing this entire deposition.

24 MR. HARPER: Yes, ma'am, but he's not an  
25 officer of the court.

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1 Q And then it's got a listing of what's  
2 included. Do you see that there?

3 A Yes, ma'am.

4 Q Okay. There's no driveway identified there;  
5 correct?

6 A There's no driveway identified there, ma'am.

7 Q Okay. And there's no -- there's no fill  
8 material identified there either?

9 A That's right, ma'am.

10 Q Okay. Do you know what a concrete abutment  
11 is?

12 A Yes, ma'am.

13 Q Okay. And do you know what bridge engineering  
14 is?

15 A Absolutely, ma'am.

16 Q Okay. Very good.

17 Now, go to the section that says, "General  
18 exclusions." This is the same -- on the same page, sir.

19 A I'm sorry?

20 Q General exclusions.

21 A Uh-huh.

22 Q Okay. At the very bottom it says, "Any work  
23 not specified in this proposal."

24 Do you see that there?

25 A I see that, ma'am.

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1 BY MS. LUKEN:

2 Q On Exhibit F -- let me just let you look at  
3 that again. Actually, this is a different -- hold on.  
4 Hold on. Let's go back to our original contract.  
5 You've got it in your hand.

6 A Yes, ma'am.

7 Q Wonderful. Let's look at Exhibit A for just  
8 one moment.

9 A Okay.

10 Q To -- That's Exhibit A to our Exhibit E.

11 A Yes, ma'am.

12 Q Very good.

13 Okay. Now, if you go to this proposal, do you  
14 see the part that says "General exclusions"?

15 A Sorry, ma'am. I --

16 Q It's the very last page of Exhibit -- or the  
17 last two pages of Exhibit A.

18 A Yes, ma'am. I see the Exhibit A.

19 Q Okay. And as we can see at the top, we've got  
20 a bridge, 12 x 20; correct?

21 A That is correct.

22 Q Okay. And that was the bridge that you asked  
23 Mr. Garcia to price in that e-mail that we just looked  
24 at; correct?

25 A Yes, ma'am.

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1 Q Okay. That is -- you agree with me that this  
2 exclusion is saying, anything that's not listed here is  
3 not part of our proposal to you?

4 A I understand that, ma'am.

5 Q Okay. So again, there's no driveway listed in  
6 this scope and there's no fill material; correct?

7 A Correct.

8 Q Okay. So what we're trying to get to why you  
9 think those are included, and I think you mentioned  
10 some -- some drawings that you received from Mr. Parker.  
11 So I'm going -- I'm going to bring those out, and we're  
12 going to look at those, okay?

13 A Sure, ma'am. Yes, ma'am.

14 Q I'm going to show you what's marked as  
15 Exhibit H.

(Exhibit H was marked for identification.)

17 BY MS. LUKEN:

18 Q And that's 98.

19 Now, do you recognize Exhibit H as an e-mail  
20 from Mr. Garcia to you dated July 16th, 2014?

21 A Yes, ma'am. I recognize it.

22 Q Okay. And I'm sorry -- H? Okay. All right.  
23 And are these the -- well, hold on. Let's  
24 look at the first page.

25 A Uh-huh.

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Q What -- how are these identified?

A They're identified as the, "Final engineering drawings for your bridge."

Q Oh, yes. You're right. The e-mail states that. So the e-mail does not state anything about a driveway or fill material; correct?

A Yes, ma'am. The e-mail only states that -- what I just read.

Q Okay. And then on the first page of the plans --

A Uh-huh.

Q There's a date on the bottom, March 2014.

A Uh-huh.

Q And then there's a statement at the top.

A Uh-huh.

Q These are identified as "bridge construction plans"; correct?

A Ma'am, I'm sorry. Where are you looking at again?

Q I'm on the first -- the first page of the plan set.

A Okay.

Q You got that there?

A I got that now, ma'am, yes.

Q Okay. So these are bridge construction plans;

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Q Uh-huh. Okay.

A And do you understand what a helical pile cable -- pile table is?

A I know what a pile is. I am looking at the here -- the pile table right now to see if I can make out what I can make out. It has the wall thickness, the shaft diameter, the anticipated installation depth, yes, and the minimum torque capacity. I -- I'm able to -- I have an understanding of it, ma'am, and that's ...

Q Okay. And then if we go to Page F2.

A Yes, ma'am.

Q All right. And this is showing a number of things. We've got a bridge and deck plan, the helical footer and layout plan. We've also got some joint details that are provided, some plank bearings. I mean, do you have any understanding of what this plan sheet is showing or what it means?

A Ma'am, I have an understanding. I'm not sure exactly what detail you're asking me for, but, yes, I can at least be able to see and gather some information.

Q Okay. And you stated to me previously that you believed that this e-mail from Mr. Garcia to you, attaching these plans somehow modifies your contract. Can you explain that to me, please?

A Well, ma'am, first off, I'm not sure why is it

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correct?

A Uh-huh.

Q I'm sorry?

A Yes, ma'am. That is correct.

Q Very good. Very good.

Okay. And on page F1 --

A Uh-huh.

Q -- this is providing for a bridge elevation view, a bridge plan view, and an abutment wall section.

A That's correct.

Q Do you know what a bridge elevation view is?

A Yes, ma'am. I can tell you what my understanding is.

Q Sure. Go ahead.

A So this is stating the elevation of the abutments. It is showing us the bridge. It is showing us the proposed driveway. It is showing us the -- where is the -- I'm sorry, ma'am. I just lost my train of thought. Give me one second, please.

The approach slab plan. It's showing us the approach slab with the filling instructions underneath it. It's also showing us the slope, which is consistent with the slope on my site plans. It is showing locate the center of the bridge per approved environmental plans, which is something I would like to know.

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there if it wasn't intended for me to see. I see it very clearly stating it has, "Identify asphalt drive by other," and everything else is instructing.

"The -- the general contractor to perform the functions they need to perform." It's a site plan, ma'am.

Q Okay. What specifically, sir? You're going to have to be a little more specific.

A Okay. Ma'am, all I'm seeing at this time is just the asphalt part being identified as "by other."

Q Okay. And you had an understanding that "by other" means somebody else?

A Yes, ma'am. Not Nature Bridges, ma'am.

Q Okay. And so I mean, again, you're understanding of that is that driveway will be provided by other -- someone other than Nature Bridges.

A The asphalt part, ma'am.

Q Okay. What else are you seeing in here that leads you to believe that this is somehow a modification of your written contract to have a bridge?

A Ma'am, I'm seeing here the compact as in fill under the approach slabs -- slabs, specifically, if that's what you're asking.

Q Yes. And I need you to explain that to me, please, whatever it is your interpretation of that is.

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1 A It means the -- ma'am, is your question what  
2 is an approach slab?

3 Q Okay. Tell me specifically what you are  
4 seeing here that you believe somehow modifies your  
5 contractual arrangement entered into with Nature  
6 Bridges.

7 A What I specifically see this time standing out  
8 is the, "Asphalt drive by other," and I see instructions  
9 notes, "If these other set of functions weren't needed  
10 to be completed" -- and I don't know why else he would  
11 leave it for me to see.

12 Q Okay. And what specifically are these other  
13 functions that you -- you are wondering why you are  
14 seeing them?

15 A The approach slab with the fill. Also, I  
16 would like to note the slope on the approach slab is  
17 consistent with the slope on the driveway profile.

18 Q Okay. And again, you have not hired anybody  
19 to do that work?

20 A To do which work, ma'am?

21 Q The work that you're talking about?

22 A I'm talking about both the approach slab and  
23 the asphalt, ma'am.

24 Q Right.

25 A You're asking me specifically the approach

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1 slab?

2 Q Yeah.

3 A Ma'am, this has been -- my understanding,  
4 Nature Bridges will complete this before they leave.

5 Q And again, the only basis for your belief in  
6 that is it this drawing?

7 A No, ma'am. I have plenty to believe. It  
8 starts off by the notion that Matt Parker is going to be  
9 giving me an entire new driveway profile because the  
10 location was changed under his direction, ma'am. That  
11 is the information that I was told.

12 Q By whom?

13 A Matthew -- no, Brian Green. Brian Green,  
14 ma'am.

15 Q Okay. And you say that you've never met Brian  
16 Green in person?

17 A That is correct, ma'am, until this --

18 Q And so when -- when do you believe that this  
19 conversation took place?

20 A After November of 2014, if I to recollect at  
21 this time, ma'am. That's when I e-mailed him that  
22 there's a location discrepancy. And at some point  
23 thereafter, he justified it that Matthew Parker has  
24 something in writing.

25 Q And what is that?

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1 A That's what I was waiting to see. What does  
2 Matthew Parker actually have that caused Nature Bridges  
3 to make all these deviations, and that's what I've been  
4 waiting for, for the last three years.

5 Q And did you listen to Brian Green's testimony  
6 yesterday?

7 A Absolutely, ma'am.

8 Q And are you saying that he was lying about his  
9 interactions with you?

10 A He was lying about a lot of things.

11 Q Okay.

12 A First of all, why is there discrepancy between  
13 him and Matthew Parker in terms of his presence on-site?  
14 He has --

15 Q Whose presence on-site?

16 A Brian Green, in his deposition yesterday  
17 stated Matthew Parker has been to the site many times --

18 Q Uh-huh.

19 A -- which is consistent with what he's been  
20 telling me -- feeding me all along, that he's the one  
21 that's been responsible and in charge for a lot of  
22 things. So what I'm trying to point out here is, he's  
23 in a room under oath with two attorneys, looking at me,  
24 telling everyone that this is what he's going under oath  
25 on.

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1 What do you possibly think -- I apologize.

2 I'm not --

3 Q You seem like you're getting upset, sir.

4 A I am.

5 Q Why don't you finish your answer and then we  
6 can maybe take a break?

7 A Sorry, ma'am. I apologize.

8 Q That's fine. Go ahead.

9 A I do apologize.

10 Q It's all right. You don't need to apologize.  
11 Do you want to finish your response, or do you want to  
12 take a quick break?

13 A Yeah, sorry. Sorry. Sorry. I apologize.  
14 I'll finish my response and take a break. I do  
15 apologize.

16 Q Sure. That's fine.

17 A If he's under oath stating these things, what  
18 can I possibly trust and expect out of a project lead?  
19 What kind of information do you think -- I'm sorry. I  
20 don't mean to question again, but if this is what he's  
21 saying here under oath, then this entire three years of  
22 what he's been feeding me, what he's been telling me has  
23 been just a bunch of lies. There was no oversight on my  
24 project.

25 Q Okay. Why don't we do this? Let's take,

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1 like, a five minute break and we'll just kind of --

2 A I apologize --

3 Q -- notch this down? That's fine, sir. Don't  
4 worry about it.

5 (Recess from 3:07 p.m. to 3:15 p.m.)

6 BY MS. LUKEN:

7 Q All right. Let's go back -- let's go back to  
8 Exhibit D, the last page, which is where I think -- I  
9 think you are. Let me ask you this, sir: The proposed  
10 locations on the site development plan shows a  
11 proposed -- proposed bridge. Do you see that there?

12 A Yes, ma'am.

13 Q That bridge is how big?

14 A Ma'am, I know through the process of the  
15 lawsuit that it needs to span the floodway boundaries,  
16 the configuration needs to span the floodway boundaries.  
17 I don't think necessarily that there is a size  
18 associated with the proposed bridge.

19 Q Okay. In that location, how big does the  
20 bridge need to be in order to span the floodway?

21 A That's a technical question, ma'am. It's more  
22 to it than just a size of the bridge. I -- I don't want  
23 to get into other subject matters, ma'am. I'm not --  
24 what I'm trying to say, ma'am, is the -- what I've --  
25 it's more about the hydraulic openings than the bridge

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1 would be the agency to review. So whatever we do, we  
2 would need to ask them before if this is something that  
3 we can do or not do. Perhaps it may, perhaps it may  
4 not. I am not sure. It would be up to the New Jersey  
5 DEP, ma'am. I would not know otherwise.

6 Q Okay. You indicated that to me that your  
7 understanding is that the bridge needs to span the  
8 floodwaters; correct?

9 A My understanding of what I've come to know is  
10 the abutments need to be outside the floodway  
11 boundaries, and that was the reason why this location  
12 was chosen because of -- because of that matter.

13 Q Okay. And you do understand that in order for  
14 the abutments to be outside of the floodway boundaries,  
15 the bridge has to be a certain size for that location;  
16 correct?

17 MR. HARPER: Objection to the -- could you  
18 please rephrase?

19 MS. LUKEN: No. The court reporter can reread  
20 the question if she wants to or if the witness  
21 needs it.

22 MR. HARPER: I'm sorry. I thought I  
23 understood the question to ask: It needs to be a  
24 certain size without any predicate for, you know,  
25 what the size is or that sort of thing.

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1 length in order to dictate what a configuration should  
2 be and not be. You can have a bridge that is of same  
3 proportions still be incorrect and -- you're asking me  
4 for the bridge length; right?

5 Q Yes, sir.

6 A Ma'am, I've been notified that the bridge  
7 length is -- to keep it simple, is about 30 to 34 feet,  
8 if I recollect.

9 Q Okay. And is it your understanding that a  
10 20-foot bridge in this location would violate your  
11 permit?

12 A Ma'am, it is something that the New Jersey DEP  
13 would be the only ones to advise on. I would not know  
14 one way or another.

15 Q Okay. So as we sit here, you have no  
16 knowledge of that topic?

17 A No knowledge of what?

18 Q Of whether or not a 20-foot bridge in this  
19 location would be consistent with your permit?

20 A Ma'am, it's not just about the bridge size.  
21 It's a lot about configurations that need to be talked  
22 about, and the only qualifying agency in the subject  
23 matter -- because it also is not about the stream flow.  
24 It's also about the environmental components, which I am  
25 not consistently -- which I'm not sure of. But they

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1 MS. LUKEN: I'm sorry. Excuse me.

2 (Short interruption.)

3 THE WITNESS: Ma'am, what I recognize, this is  
4 a technical question. And the reason why I am  
5 going to recognize it as a technical question is  
6 because what I've come to learn from my  
7 interactions through Contech -- my interactions  
8 through Contech Engineering and my interactions  
9 through Nature Bridges. So the difference is,  
10 ma'am, when treating a project, you basically look  
11 at the entire scope of the stream. So you can have  
12 different configurations on the stream, but you  
13 need to choose a location first and then dictate  
14 the other components.

15 BY MS. LUKEN:

16 Q Okay. Your --

17 A I understand, ma'am. There is -- okay. So  
18 let me rephrase. The length and hydraulic openings are  
19 not one in the same. You can technically,  
20 theoretically, have a shorter ledge and meet the  
21 hydraulic openings. Whether that's relevant or not,  
22 ma'am, I am not sure.

23 Q Okay. This drawing that was prepared by  
24 Mr. Westbrook back in 2008 showing proposed locations  
25 for various items shows a proposed location for a bridge

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1 and a proposed size for a bridge. Do you agree with me  
2 on that?

3 A Yes, ma'am. I've come to learn that this is  
4 actually indicated for both.

5 Q I'm sorry. What?

6 A Yes, ma'am. I've come to learn that it's  
7 actually indicated for both. That there is a -- that  
8 the size and location considerations need to be --

9 MR. HARPER: That is a yes or no question.

10 THE WITNESS: I apologize. Yes, ma'am.

11 BY MS. LUKEN:

12 Q Okay. So would you -- would you agree with me  
13 that, if somebody put a bridge that is a smaller size in  
14 that location, that would be different than what's shown  
15 in these plans?

16 A Yes, ma'am.

17 Q Okay. And you contracted for a bridge that  
18 was smaller than this bridge that's shown on this plan;  
19 correct?

20 A I signed the contract with those dimensions,  
21 ma'am, yes.

22 Q What evidence do you have that the current  
23 location of the bridge is not in compliance with the  
24 permit?

25 A Ma'am, so there's a couple issues that is -- I

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1 into it. I --

2 Q Who were the specialists?

3 A R & R Constructions and the Contech  
4 Engineering.

5 Q And what -- let's take one at a time. What  
6 did R & R Construction tell you that goes to the issue  
7 that I asked about, which is, what evidence do you have  
8 that the current location of the bridge is not in  
9 compliance with your permit?

10 A Current location of the bridge? Ma'am, I  
11 apologize. I didn't hear the question correctly. The  
12 current location actually came from a site visit done  
13 in 2013.

14 Q Okay. By whom?

15 A By Chris Guddemi.

16 Q Okay. And what did Mr. Guddemi tell you?

17 A He asked that -- why the location was changed.  
18 And that's when I was prompted to ask Brian the same,  
19 why the location was changed? And that is when he  
20 indicated that Matthew Parker has written documentation  
21 that was needed to do the change.

22 Q Okay. I don't -- I don't understand that.  
23 How does that go to the issue of whether or not the  
24 current location is in compliance with your permit?

25 A Why the current location isn't compliant?

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1 wanted to mention. So as you can see, ma'am, the  
2 floodway -- but I understand in Brian's testimony  
3 yesterday that he took a tape measurer to basically  
4 cover the length of the visible water, if I can  
5 recollect his statement, correctly. But as you actually  
6 go further up, the floodway boundary actually expands.  
7 So we're already in a deficit here. We've actually  
8 magnified what the location -- what the length  
9 requirement would be on the current location. So we've  
10 actually taken a situation that was bad to begin with,  
11 and we've actually made it worse by changing the  
12 location.

13 Q Okay. And from where have you derived this  
14 knowledge? As you've indicated to me, you know, you're  
15 not an engineer; you're not a contractor; you're not an  
16 environmental designer.

17 From where have you gotten this information?

18 A I have brought specialists on-site. I was  
19 in -- so my -- and again, it goes back to my attorney as  
20 well.

21 Q I don't want to hear about --

22 A Okay. Sorry.

23 Q -- what your attorney has to say it, because  
24 he's not going to be a witness in this case.

25 A Okay. So I brought specialists. I looked

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1 Ma'am, the location has always been in compliant. I --  
2 I'm trying to see how I can best address the question.

3 Ma'am, I can't explain it further than that.

4 So that's the information that I acquired, that the  
5 location was not where it was supposed to be, and that  
6 is why my understanding came to be, initially. And then  
7 I was -- retained the information through Brian Green  
8 that the location was changed for a purpose by Matthew  
9 Parker. So that is -- those are the conversations I can  
10 recall about the location; that the location has been  
11 changed; it has been acknowledged by Nature Bridges;  
12 Nature Bridges has acknowledged that Matthew Parker was  
13 the one who had changed the location.

14 MR. HARPER: She asked you: What evidence do  
15 you have to suggest or to lead you to believe that  
16 the location where it ended up being built is not  
17 compliant with the permit? Why do you think that?

18 THE WITNESS: Ma'am, I think that because  
19 that's the initial -- I think the location is an  
20 issue because of the discussions that we've had  
21 with DEP to address matters further regarding  
22 passing standards and any other information that  
23 was noted. There is other qualifying factors we  
24 needed.

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1 BY MS. LUKEN:

2 Q Okay. And what discussions are you  
3 referencing, sir?

4 A There was an e-mail speaking about the  
5 location.

6 (Short pause.)

7 A Ma'am?

8 Q Yes?

9 A Here.

10 Q Okay. And this is -- okay. Hold on one  
11 second. Let me see if I can find this one.

12 MR. HARPER: Saket, for what it's worth I  
13 think perhaps when she's asking a question such as,  
14 What evidence do you have, it's not always the  
15 presumption of there's no specific document or  
16 discussion --

17 THE WITNESS: Oh okay.

18 MR. HARPER: If that's what's -- maybe that's  
19 what's been bogging you down. I just want to you  
20 help move ...

21 THE WITNESS: Okay.

22 BY MS. LUKEN:

23 Q Okay. I tell you what. I'm going to find  
24 this. It's 165. I need 162, 163, 164. Let's find  
25 that.

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1 August and the first two weeks of September of 2014,  
2 would that sound about right?

3 A Okay, ma'am. Possibly, yes.

4 Q All right. Were you on-site at all during the  
5 construction activities?

6 A No, ma'am.

7 Q Okay. Did you speak with anybody who was  
8 on-site at the time of the construction activities?

9 A Not to the best of my recollection, ma'am.

10 Q Mr. Green testified that he went up to the  
11 project site to do a stakeout location of where the  
12 bridge would be. Now, did you -- did you see any of  
13 those flags that were placed there at any point? I  
14 think he referred to them as ribbons.

15 A Yes, ma'am. I don't recall seeing any  
16 ribbons.

17 Q Okay. And so, I guess, when was the first  
18 time that you saw the results of the construction  
19 activities?

20 A If I recall, I think I, myself, went there the  
21 last day.

22 Q The last day -- was the crew still on-site?

23 A Trying to recall if they had just left or if  
24 they left.

25 MR. HARPER: If they had just left or if they

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1 (Short pause.)

2 MS. LUKEN: I'm just trying to make sure so  
3 that we're looking at the same page here; okay?

4 THE WITNESS: Okay. So give me one second.  
5 Let me get that together.

6 BY MS. LUKEN:

7 Q All right. This will be faster than any of  
8 this. All right. Success.

9 This is your copy; right?

10 A Yes, ma'am.

11 Q Okay. I'm going to see -- let me just -- I'm  
12 going to get a photocopy of this so we can mark it;  
13 okay? And I'm going to give it back to you and then you  
14 can keep it back in your notebook.

15 (Recess from 3:32 p.m. to 3:43 p.m.)

16 BY MS. LUKEN:

17 Q And let's try to address a couple of other  
18 things, kind of adjust ourselves here. All right.  
19 Let's talk about the actual construction of this bridge  
20 on your property; okay? Do you have a recollection of  
21 when -- when the construction activities took place?

22 A Ma'am, I'd like to say, if I can recall just  
23 off the top of my memory it, sometime maybe July, August  
24 of 2014.

25 Q And if I said it was probably the last week of

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1 left, isn't that the same thing?

2 THE WITNESS: I was trying it catch them, I  
3 think. No, ma'am. I don't think they were still  
4 on-site.

5 BY MS. LUKEN:

6 Q But you don't -- you don't think -- it was  
7 your understanding that they had left very in close time  
8 to when you were arriving or you just missed them kind  
9 of thing?

10 A Yes, ma'am.

11 Q Okay.

12 All right. And so at that point, what -- what  
13 did you -- what did you do? Did you do anything to  
14 close out this permit?

15 A No, ma'am. We did not close out the permit.

16 Q Okay. And then I understand -- so what was  
17 the next step that you were taking with respect to your  
18 project?

19 A Ma'am, the next step was to, I believe, call  
20 Nature Bridges and find out what's -- what exactly  
21 happened. To me, the project was never really closed.  
22 It's always been open.

23 Q Okay. Did you have anybody else come out and  
24 take a look at it?

25 A Yes, ma'am. My father looked at it, and I

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1 know he's spoken to Lou as well, the neighbor.  
 2 Q The neighbor?  
 3 A Yes, ma'am.  
 4 Q What about anybody from Lan? Were they --  
 5 were they asked to come out after the construction of  
 6 the bridge was completed?  
 7 A Ma'am, I did not ask. I'm sorry.  
 8 Can you repeat that question one more time,  
 9 please?  
 10 Q Was anybody from Lan asked to come out after  
 11 the bridge was completed?  
 12 A Yes, ma'am.  
 13 Q And who asked for Lan to come out?  
 14 A I had asked Lan to come out.  
 15 Q Okay. And why?  
 16 A We were in the process of moving forward with  
 17 our agreement of completing the rest of the project, the  
 18 fill in the driveway, and that is when I had asked Lan  
 19 to come out to take a look to assist with what I think  
 20 was a road opening permit.  
 21 Q Okay. And what -- and what -- what did Lan do  
 22 when they came out?  
 23 A That's when I noticed that was -- that's when  
 24 they told me that it was in a different location, and  
 25 that is when I went to Brian to see what had happened.

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1 Q All right. Let's put a little bit of  
 2 substance on this. I'm going to show you what's  
 3 Exhibit I.  
 4 MR. HARPER: Wasn't that out of the -- was  
 5 that out of the box?  
 6 MS. LUKEN: No, no. These are just my -- I  
 7 had these made --  
 8 MR. HARPER: Oh, okay.  
 9 MS. LUKEN: -- from my office. These are  
 10 items that you all provided.  
 11 MR. HARPER: I understand.  
 12 MS. LUKEN: Yeah, I'm deviating from the box.  
 13 I'm sorry. Here. And actually --  
 14 MR. HARPER: When I heard the stapler, that's  
 15 what scared me.  
 16 MS. LUKEN: No, no, no. I wasn't stapling  
 17 your stuff. Here. Here's a copy for you,  
 18 Mr. Harper, as well.  
 19 MR. HARPER: Thank you.  
 20 (Exhibit I was marked for identification.)  
 21 MS. LUKEN: So here you go. And then here's  
 22 Exhibit I. All right.  
 23 BY MS. LUKEN:  
 24 Q Have you seen these photographs before,  
 25 Mr. Chaudhari?

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1 A Yes, ma'am. I believe I have.  
 2 Q Okay. And are these photographs that were  
 3 taken by Mr. Guddemi when he came out there on  
 4 September 23rd of 2014?  
 5 A Yes, ma'am. I see the date there.  
 6 Q Okay. I mean, did he provide you with these  
 7 photographs?  
 8 A Right. Ma'am, I don't recall, to be honest at  
 9 this time.  
 10 Q Okay. He's got a note there "flood hazard."  
 11 Do you see up in the right-hand corner it's got, I  
 12 guess, their number for this? And then they have  
 13 "Chaudhari flood hazard area calculations and  
 14 permitting."  
 15 Do you see up there in the upper right?  
 16 A Yes, ma'am.  
 17 Q Okay. And is that part of what you had asked  
 18 Lan to do when you asked them to come out?  
 19 A Ma'am, I don't recall at this time.  
 20 Q Okay. But it -- would -- okay. And let me  
 21 just make sure that this is consistent. Would this time  
 22 frame right here, September 23rd, 2014, did you -- did  
 23 you meet with Mr. Guddemi out at the site at this time?  
 24 A It's possible that was the time frame, ma'am.  
 25 Q And is this when Mr. Guddemi advised you that

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1 the bridge was not in the proposed location --  
 2 A Yes, ma'am --  
 3 Q -- as set forth in the site development plan?  
 4 A It was right around this time frame, ma'am.  
 5 Q Okay. What -- what else did Mr. Guddemi say  
 6 about that?  
 7 A There's nothing that he said, ma'am. I -- I  
 8 contacted Brian and found out that Matthew Parker had a  
 9 reason for the change. Then I just told him that the  
 10 other engineer had changed the location, and that was  
 11 pretty much how we left it, ma'am. I accepted that the  
 12 location was changed for a reason at that time.  
 13 Q Okay. And what -- what was your understanding  
 14 of the reason why the bridge was placed where it was?  
 15 A Why the as-built bridge was put where it is?  
 16 I'm sorry, ma'am. Can you repeat that one more time,  
 17 please?  
 18 Q Sure. What is your understanding of why the  
 19 bridge was placed in the location where it was placed on  
 20 your property?  
 21 A Ma'am, a location was never given. It was  
 22 just mentioned that there was some written documentation  
 23 that Matthew Parker had.  
 24 Q Okay. And again, this was something that you  
 25 believe that Brian Green said to you?

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1 A Yes, ma'am.

2 Q Okay. Quick question. Did -- were you the

3 one that asked Mr. Guddemi to come out for this?

4 A Yes, ma'am.

5 Q Okay.

6 A I had asked him to come out to -- to take a

7 look at the location, ma'am.

8 Q The location?

9 A I had asked him to come out to take a -- to

10 help me with the road opening permit, ma'am.

11 Q Okay. And I mean, was -- and again, I'm not

12 trying to put words in your mouth here, but did -- were

13 you asking him to come out to look at the location or

14 you were requesting him to come out because you needed

15 to get your road permit completed?

16 A If I remember correctly, I believe I asked him

17 to come out for a road opening permit.

18 Q And how -- if I understood our prior

19 conversations about Lan, it didn't sound like you were

20 super-involved, at least in the process that was going

21 on back in 2008, 2009, 2010. Remember, we went through

22 those invoices?

23 A Yes, ma'am.

24 Q How -- I mean, how did you happen to know that

25 Mr. Guddemi was the gentleman that you should call from

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1 Lan?

2 A Perhaps, my father, ma'am. I'm not entirely

3 sure. But I called -- ma'am. I may have asked my

4 father. I'm not entirely sure.

5 Q One of the things that I'm noticing -- and we

6 can kind of drag out the documents on this if we need

7 to, but I'd rather not if we don't have to -- but I'm

8 not seeing any invoicing from Lan from the period of

9 2010 through, I believe, it's 2015. Did Lan bill you

10 for this particular site visit?

11 A No, ma'am. The bills I submitted are the

12 bills that I have. I did take matters further at that

13 time because that's when we realized the location was

14 different, and I just needed to follow up with that

15 matter. So that's where things have gotten -- things

16 were getting more and more involved with Nature Bridges

17 in terms of how the location got moved and how we're

18 going to proceed with that whole setup.

19 Q Okay. And it's your testimony here today,

20 sir, under oath, that you had no involvement in where

21 the location of this bridge was placed on this property?

22 A Yes, ma'am. It is my testimony today that I

23 did not ask this bridge to be put in this location.

24 Q Okay. And again, my -- I just want to make

25 sure my question is clear here. Is it your testimony

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1 that you had no involvement whatsoever in the location

2 where this bridge was ultimately placed on your father's

3 property?

4 A Ma'am, I'm sorry. Can you say that one more

5 time, please?

6 Q Sure. You had no involvement in where the

7 bridge was ultimately placed on your property. Is that

8 your testimony?

9 A No, ma'am. Where this bridge was placed --

10 ma'am, I do -- I do have -- trying to answer the

11 question. I'm sorry. Can you repeat that one more

12 time? I apologize.

13 MS. LUKEN: I'm sorry. Can you just read

14 that, please?

15 (Record read.)

16 THE WITNESS: Ma'am, I'm going to say, yes, I

17 had involvement. I'm not sure exactly what you're

18 looking for specifically, ma'am, but, yes, I was a

19 part of the process.

20 BY MS. LUKEN:

21 Q Okay. And what was your involvement with

22 respect to location and where this bridge was placed on

23 your father's property?

24 A In getting the -- what was my involvement with

25 this process? In terms of obtaining the permits, ma'am?

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1 Is that the question? Was I involved in

2 obtaining the permits?

3 Q Well, I think we kind of covered that, and you

4 told me that you did not have any involvement in that;

5 am I correct?

6 A No, ma'am. I -- I was I wouldn't say I didn't

7 have any involvement in it, ma'am. I potentially --

8 ma'am, unfortunately the time frame and this --

9 MR. HARPER: Did you have any involvement in

10 the determination of the location for the bridge?

11 THE WITNESS: Location for the bridge? Yes,

12 ma'am. I had involvement in location for the

13 bridge.

14 BY MS. LUKEN:

15 Q Okay. And what was that involvement?

16 A We obtained the permits, ma'am.

17 Q Okay. So during -- during the period, you

18 were involved in the obtaining of the permit?

19 A Yes, ma'am. I would say I was involved in

20 obtaining the permits, ma'am.

21 Q And what was your involvement?

22 A I can't recollect exactly what -- I'm not sure

23 I understand the question right, ma'am.

24 MR. HARPER: You don't understand what she's

25 asking when she says "what is your involvement?"

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THE WITNESS: No.

MR. HARPER: Do you not understand what the word "involvement" means?

(Simultaneous speaking.)

THE WITNESS: I understand "involvement."

BY MS. LUKEN:

Q Did you talk to anybody? Did you read anything? Did you --

A Yes, ma'am. Yes.

Q -- discuss with someone? And I'm just asking, what was that?

A I apologize, ma'am. I --

Q What was -- what was the -- I don't know what other word to use other than "involvement." What --

MR. HARPER: Participate.

BY MS. LUKEN:

Q What was your role or your function or things that you heard or said or did?

A Okay, ma'am. So no -- okay. I understand those a little bit better, ma'am, now. I apologize.

Q Okay. Very good. Go ahead.

A Yes, I do -- yeah. I was part of the process, ma'am. Then in terms of involvement, yes. I can't state for sure exactly what I remember, what I've heard, what I've -- but, yes, ma'am. I say if you're asking me

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THE WITNESS: Just this particular -- I'm sorry, ma'am. May I ask him -- may I ask a question?

MS. LUKEN: Sure. Go ahead. Go ahead.

THE WITNESS: Did I have involvement with this particular location of this particular bridge; is that the question?

MR. HARPER: That's my understanding.

BY MS. LUKEN:

Q Sure. Go ahead. Answer that question.

A Sorry, ma'am. I'm a little bit nervous.

Q That's okay. That's okay.

A Yes, ma'am. I did not have involvement with this -- with this location that is on Exhibit I.

Q Okay. So is it your testimony here -- again, you're under oath -- that the -- okay. Let me strike that.

When was the first time you found out of the location of the bridge as it was actually placed?

A Ma'am, the recollection is I found that out after I was trying to obtain the -- I found out from a site visit from Chris Guddemi.

Q Okay. And so your testimony is you never had any discussions with Brian Green about the location?

A If terms of determining the location or how

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a yes or no question, then I'll --

MR. HARPER: No. She didn't. She said, at what time --

BY MS. LUKEN:

Q I'm just trying to find out what you did. Did you talk to anybody? Did you read any documents? Did you have phone conversations? Did you read e-mails? Did you, you know, what did you -- did you talk to anybody? Did you talk at Lan? I'm.

Just trying to find out where you come into this whole thing.

A Yes, ma'am. So as --

MR. HARPER: As it relates to the location of the as-built?

THE WITNESS: As-built.

MR. HARPER: That's why she handed you Exhibit I. That's what she's asking you about. yes. Did you have any involvement or participation or play any role in the determination of that -- is that fair?

(simultaneous cross-talk.)

MS. LUKEN: It's close. It's close

MR. HARPER: I've just had more practice with this process with him?

MS. LUKEN: I understand. I understand.

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that --

Q Yes. I'm talking about prior to September 23rd, 2014, which is the date that Mr. Guddemi went out here and looked, you never had any discussions with Mr. Green prior to that date about the location where your bridge was going to be placed?

A Ma'am, that is my testimony, yes.

Q Okay. That's fine.

You do not recall having any discussions with anybody at Nature Bridges about the fact that the 20-foot bridge that you were requesting would not work in the location that's shown here on the site development plan?

A Yes, ma'am. I did not have any discussion with a Nature Bridges member that would suggest that the original location would not work.

Q Okay. And you -- you do not have any knowledge about -- well -- and again, I guess I just keep coming -- I keep coming back to this question, which is something that I think that's we're going to hold off on. So maybe that's just where we are on this.

MR. HARPER: You want to try it one more time?

MS. LUKEN: Well, no, 'cause I want -- I want us to have whatever documents you guys are going to rely on for that; okay?

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MR. HARPER: All right.

MS. LUKEN: So we'll just -- we'll hold off on that. And I -- I keep coming back to that point, but that's okay. So we'll do another couple of things here.

BY MS. LUKEN:

Q All right. Let's talk for a minute about the notice of violation that you received from the DEP. And I'm just going to locate that real quick here in my documents. So just give me one moment.

And before we get to that -- and we will get to that document, let me just ask you a question. So you have this discussion with Nature Bridges in October of 2014 where they provided you proposals, you provided an e-mail back saying, I want these other things.

I am making a presumption here, but it appears to me that conversations about this topic, you know, whether or not Nature Bridges was going to agree to do this additional work that's identified here or your other thing, that basically was not going to happen, you know, as of November 2014; is that a fair statement?

A That it's not going to happen?

Q Yes.

A No, ma'am. They never indicated that they wouldn't do the project. They've never indicated,

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else providing any other plan sheets to Nature Bridges?

A No, ma'am. Not that I'm aware of, to the best of my ability.

Q Okay, okay. What -- I'm trying to get a hold of our notice here, and I'm having a little bit of difficulty. I should be able to find that in just a moment. But let me ask you --

MR. HARPER: The notice?

MS. LUKEN: No, no, no. Not that notice because -- hold on one second. Let me just grab it because it will make our lives a little easier, I think.

All right. Is this the same thing as that?

Hold on.

(Short pause.)

MS. LUKEN: That's funny. Just one second, guys. We're going to get this right.

(Short pause.)

(Exhibit J was marked for identification.)

BY MS. LUKEN:

Q Okay. Here you go. Exhibit J.

A Yes, ma'am.

Q All right. Exhibit J. What is Exhibit J?

A It is the notice of violation.

Q Okay. And what are the particular items that

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especially to my recollection -- they've always given me dates that they would give me a proposal, come back.

Q And then I think -- I mean, I guess, after this point, right, October 13th, 2014, in your e-mail back, whatever date that was, Nature Bridges did not give you any dates when they were planning on come back; correct?

A Yes, ma'am.

I e-mailed Brian, I believe, in November of 2014 about asking for the location discrepancy. I think it was November 2014. And then there was months that were gapped. There was no response as to how location got changed in terms of direct communication. And then we had just the notice of violation issue around that time, so ...

Q Well, let's nail down that date here so that we can be talking about the same thing. Hold on just one second.

Did you ever provide to Nature Bridges any other plan sheets other than this site development plan that's the last page of Exhibit D?

A Any other plan sheets? No, ma'am. To the best of my knowledge, that's the only one that I provided.

Q Okay. Do you have any knowledge about anybody

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are -- well, okay. First off, what's the date of this notice of violation, if you know?

A March 2nd of 2015.

Q Okay. Very good. In between the time when Nature Bridges left the site in, you know, September 2014 --

A Yes, ma'am.

Q -- until the date of this notice of violation that you received -- you know, and actually, if we want to make this complete, let's make it complete.

Hold on one second. I just want to make sure we've got all the pieces of this together. Let's add this, 'cause I think there is a cover letter that was associated with this document. All right. Let's go back. All right. Let's try this again.

We've amended Exhibit J. What is Exhibit J?

A It is the notice of violation.

Q All right. And this was received -- it's actually directed to your father, it appears; is that correct?

A Yes, ma'am.

Q All right. And this was provided by the State of New Jersey Department of Environmental Protection on or about March 2nd 2015?

A Yes, ma'am.

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Q Okay. So if we go to the next page, what is your understanding -- well, let me strike that.

"This notice of violation indicates that there was a compliance evaluation at the above location on January 15th of 2015."

Do you see that there on the first page?

A January 15th of 2015? Yes, ma'am.

Q Now, who requested that the DEP come out for a compliance evaluation on that date?

A I'm not sure, ma'am, if anyone did request it.

Q I'm sorry, what?

A I'm not sure if anyone did request it, ma'am.

Q Okay. Did you request it?

A No, ma'am.

Q Does Ian request it?

A Not that I know of, ma'am.

Q Okay. So they came on out. Now, at this point January 15th, 2015, Nature Bridges had been off the site since September of the preceding year; correct?

A Yes, ma'am.

Q Okay. And what did you do to maintain any of the silt fence or other temporary items that were there when they left?

A When they had fallen down, I had asked Louis Reddi [ph] to erect the fencing when it was noticed on

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the notice of violation. And --

Q Okay.

A -- that was the measures that I had taken when there was notice that they had fallen.

Q And what about in between the period of -- well, let's just clarify this. From the middle of September 2014, you know, at least whenever Mr. Guddemi came out and took these photographs on September 23rd, Nature Bridges had not been on-site as of at least September 23rd through the date of this evaluation on January 15th, 2015; correct?

A Yes, ma'am.

Q Okay. In between that time period, what, if anything, did you do to maintain the silt fence that was there?

A Ma'am, there's nothing that I did directly. I was anticipating Nature Bridges to take a while to come back to finish up the work that we were discussing at the time to make the bridge useable.

Q Okay. But -- so you -- you did not do -- do anything during that time frame with respect to the silt fence; correct?

A No, ma'am. If I -- I remember -- the specific silt fence? No, ma'am.

Q Okay. All right. And then what about with

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respect to this Item 1 that's identified here. What did you do, well let me ask -- let me ask maybe another question too. This is directed to your father, as I noted.

A Yes, ma'am.

Q Was your father handling this matter?

A No, ma'am. I was handling the matter.

Q You were handling the matter. Okay.

And you had his authority or agreement to do that?

A Yes, ma'am.

Q Okay. That's fine.

What did you do with respect to -- and the notice of violation is directed towards your father as the permit holder; correct?

A Yes, ma'am.

Q Okay. Now, what -- what did you do with respect to Item No. 1 here that indicates that the applicant, which would be your father, "Failed to record the permit in the office of the county clerk and submit proof of the recording." What, if anything, did you do relative to this aspect of the notice of noncompliance?

A When I received this notice, ma'am, I -- I believe I sent it to Brian Green and he had contacted Matt Parker, and they began to address these issues of

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notice of violation. So they started handling this matter, ma'am.

Q Okay. When you say, "They started handling this matter," I'm not -- I'm not quite sure what you mean by that.

A Okay.

Q And did you hire Mr. Parker to do that?

A I saw e-mails from Matthew Parker looking into recording of the permit, ma'am. So he was looking into that process, ma'am.

Q Okay. And did you hire Mr. Parker to do that?

A No, ma'am. I did not hire Matthew Parker to do that.

Q Okay. And so, I mean, this notice is pretty clear on it's face that the recording needs to be done by the applicant.

A Right, ma'am.

Q Would you agree with me?

A Yes, ma'am. That's what it says.

Q Okay. So I mean, if you did not hire Mr. Parker to do that, I mean, how did you anticipate that that was going to be accomplished?

A Ma'am, they -- I e-mailed Brian and they started to discuss the issue on their own. They tried to coordinate what they wanted me to do. Whatever

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1 instructions I had, I did. And that was the process,  
2 ma'am. They needed me to record the permit and  
3 [indiscernible], but they investigated it on their own.  
4 I think I saw an e-mail saying the permits were already  
5 recorded, if that's the same subject matter.

6 Q Okay. Did you ever -- did your father ever  
7 record the permit?

8 A No, ma'am.

9 Q Okay. So to this day, the permit is not  
10 recorded?

11 A No, ma'am.

12 Q Why not?

13 A Ma'am, you realize that the bridge we have is  
14 different from the bridge that was supposed to be, and  
15 there's issues with that bridge. So the function of  
16 this process has changed. It's not a reflection of what  
17 needed to be done. What is done needs to be  
18 investigated. It needs to be looked -- looked into  
19 more.

20 Q Okay. So I mean, you agree with me that the  
21 permit, according to this notice of violation, was  
22 supposed to have been recorded with the county clerk;  
23 correct?

24 A Yes, ma'am. I agree with you that's what it  
25 says in the notice of violation.

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1 yes.

2 Q Yes. Okay. And so my question is: Why did  
3 the permit holder, your father, not record it in the  
4 county records as you were required to do under the  
5 permit?

6 A Yes, ma'am. So I'm not sure why Santiago  
7 agreed to that responsibility. That is something I  
8 communicated with him on. It is something he  
9 acknowledged back, not putting it in one of the  
10 proposals.

11 Q But not the proposal that was incorporated  
12 into your contract.

13 A Ma'am, I -- you're right, ma'am. There's  
14 several proposals, which is also an issue, which also  
15 goes back to level of trust, but it is something we  
16 clearly discussed. And he clearly acknowledged that  
17 this is something they were going to do, and they did  
18 inform me --

19 Q Okay. I want to make sure that you're being  
20 abundantly clear here. Your testimony is that Mr.--  
21 Mr. Garcia agreed to record your father's permit with  
22 the office of the county clerk and submit proof of  
23 recording to the department?

24 A Ma'am, my testimony is, I have spoken to  
25 Santiago about the permitting activities, and he had

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1 Q Okay. And this permit was issued in February  
2 of 2010. Why was it not recorded at that time?

3 A Ma'am, there is a lot of communication gap  
4 between Nature Bridges and I. In terms of my  
5 conversations with Santiago, Nature Bridges would be  
6 addressing the permitting activities. That's one of the  
7 things that was on the -- one of the invoices is  
8 something that he said they would do.

9 Q Well, okay. We're going to have to go through  
10 that a little bit. But the proposal that was  
11 incorporated into the contract that you signed, it  
12 indicates that environmental permits are your  
13 responsibility; correct?

14 A Obtaining the environmental permits were my  
15 responsibility, ma'am, yes.

16 Q Yes. As well as the costs of any inspections  
17 or other things associated with it; correct?

18 A Ma'am, I remember the cost of the inspections  
19 as well.

20 Q Okay. So the permit, if I understand it  
21 correctly, was obtained, in fact, by your father; right?

22 A Uh-huh. Yes, ma'am.

23 Q And the permit itself directs the applicant to  
24 go and record it; correct?

25 A Yes, ma'am. That is what the permit says,

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1 told me that they were -- this was something that they  
2 were going to be handling.

3 Q Okay.

4 A I understand.

5 Q But your contract says that you're going to  
6 handle environmental permits?

7 A Yes, ma'am. I understand there's discrepancy,  
8 yes.

9 MR. HARPER: Objection to the counsel  
10 testifying to --

11 BY MS. LUKEN:

12 Q Okay. So your -- just in reference to your  
13 counsel's -- do you have the contract in front of you  
14 there, Exhibit E?

15 A Yes, ma'am.

16 Q You can keep that one. I just would like you  
17 to refer to it. Paragraph 16, which is on Page 4 of 8;  
18 okay?

19 And do you see there that responsibility for  
20 permitting -- for environmental permits is placed on  
21 the, which is what you were identified as in this  
22 contract?

23 A Ma'am, I believe it states, "Owner shall be  
24 responsible for the costs of any environmental  
25 inspections or certifications required for the work."

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1 I'm sorry, ma'am. I read the wrong line.  
 2 Q Yeah. It's just the preceding sentence.  
 3 A Yes, I apologize. "Owner shall obtain, at his  
 4 own expense, all environmental permits and licenses  
 5 required for the work."  
 6 Ma'am, that's all it states.  
 7 Q Yes.  
 8 A Yes, ma'am. "Owner shall obtain, at his  
 9 expense, all environmental permits and licenses," ma'am.  
 10 Q Right.  
 11 A Yes.  
 12 Q And so what about that does not require you to  
 13 record your permit in the office of the county clerk and  
 14 submit proof of recording to the department?  
 15 A My conversation with Santiago, ma'am, is my  
 16 understanding is they'll be -- I understand it's --  
 17 Q And when was that conversation?  
 18 A It's made its way on to one of the -- one of  
 19 the invoices, ma'am.  
 20 Q Not the invoice.  
 21 A I apologize, ma'am. It's on one of the  
 22 invoices which is not the invoice that we're --  
 23 MR. HARPER: Estimate.  
 24 THE WITNESS: It's on one of the -- yes,  
 25 ma'am. Sorry. It is one of the estimates. I

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1 things during the break, but do you agree with me that  
 2 this one does not specifically call out permitting?  
 3 A Ma'am, this one does not have permitting  
 4 listed on it.  
 5 Q Okay. Very good.  
 6 All right. So going back to our notice of  
 7 violation. And I'm still interested in this first. Do  
 8 you even have that?  
 9 I don't want to talk about it unless you've  
 10 got it in front of you. I think that's -- is that it  
 11 right there? Right there. Is that it?  
 12 A Yes.  
 13 Q Yes. There you go. And that's our Exhibit J.  
 14 So we're back to Exhibit J, and I guess my  
 15 other question is this: I mean, given that you did not  
 16 enter into a contract with Nature Bridges until February  
 17 of 2014 and the permit was obtained, I believe, in  
 18 February of 2010, why was the recording not accomplished  
 19 from 2010 all the way through to the time when you  
 20 contracted with Nature Bridges?  
 21 A Ma'am, so in between, we had listed property.  
 22 Q Right. Okay.  
 23 A And so we were just internally trying to  
 24 figure out what we wanted to do with all the things that  
 25 were ongoing with my mother and just everything in

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1 apologize.  
 2 BY MS. LUKEN:  
 3 Q Yeah. And let's just make sure we've got our  
 4 terminology straight. If we look at Exhibit F, just as  
 5 an example, would you agree with me that this is a  
 6 proposal?  
 7 A Yes, ma'am.  
 8 Q Okay. Very good.  
 9 A Yes. Sorry.  
 10 Q So let's take a look at that proposal that  
 11 you're referencing 'cause I think that might maybe help  
 12 us a little bit here. Let's do that.  
 13 (Short pause.)  
 14 (Recess from 4:26 p.m. to 4:39 p.m.)  
 15 (Exhibit K was marked for identification.)  
 16 BY MS. LUKEN:  
 17 Q All right. On Exhibit K that you've got in  
 18 front of you there, do you recognize this as another  
 19 proposal that you had received from Nature Bridges on  
 20 December -- on or about December 20th, 2012?  
 21 A Yes, ma'am. I do recognize it.  
 22 Q Okay. And this one, again, is for a 12 x 20  
 23 bridge, correct?  
 24 A Yes, ma'am.  
 25 Q Okay. And I know we were looking for some

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1 general. And so it's around the time when I started  
 2 speaking with Santiago and I'm just trying to learn  
 3 about the company.  
 4 In one of our discussions, that was something  
 5 that we had discussed. It was something that he had  
 6 told me they would very easily do. And I was -- I was  
 7 entirely expecting them to be fulfilled. I didn't hear  
 8 otherwise. We didn't speak about it any other way.  
 9 Q Yeah. And my -- just so you understand what  
 10 my question is, okay? My question was: The permit was  
 11 obtained in February of 2010. You certainly didn't  
 12 expect Nature Bridges to do anything until you had  
 13 entered into a contract, right?  
 14 A Now I understand, ma'am, yes.  
 15 Q So there's a four-year period of time where,  
 16 you know, I believe the permit indicates it's supposed  
 17 to be recorded, you know, when you receive it. So I  
 18 guess my question is: What happened during that  
 19 four-year period of time? Why was it not recorded by  
 20 the applicant as the permit requires?  
 21 A Ma'am, I was having just things within our  
 22 family; so we really -- yes.  
 23 Q Okay. All right.  
 24 Okay. Let me go make a photocopy of this, and  
 25 I think that will probably be one of the last things

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1 that we cover. Let me just see what time it is.

2 MR. HARPER: By the way, I pulled that out of  
3 the box, Exhibit B, I think.

4 MS. LUKEN: Yes. This is part of our Exhibit  
5 B. Let me go make a photocopy of it and all of the  
6 B ...

7 MR. HARPER: Okay.

8 (Short pause.)

9 MS. LUKEN: Actually, I don't think we need to  
10 do that 'cause what we're going to do -- I think  
11 you -- I think with what we're going to do is we're  
12 just going to photocopy the box anyway, so --

13 MR. HARPER: So that's why I mention ...

14 MS. LUKEN: Yeah, you're right. So I don't  
15 need to make a copy of this. I'm just going to put  
16 a sheet on the front of it, though.

17 THE COURT REPORTER: You did a B1.

18 MS. LUKEN: I did a B1 and I think I did a B2,  
19 I think, so I'm going to call this B3.

20 (Exhibit B3 was marked for  
21 identification.)

22 BY MS. LUKEN:

23 Q If I'm wrong, I'm wrong.

24 MR. HARPER: There's B1 and B2.

25 MS. LUKEN: I thought I had a B2 -- I'll go

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1 matching up.

2 Q Okay. And just for comparison, when we go --  
3 well, okay. When you received this subsequent proposal  
4 from them dated December 20th of 2012, Exhibit K, you  
5 did see that the permitting aspect and the testing was  
6 not included on the included portion; correct?

7 A Ma'am, I am seeing that it's included here,  
8 not included there. I am not sure that I interpreted  
9 those to be taken out for a reason or not to be taken  
10 out for a reason. The engineer was requested to be  
11 on-site, and I was always told throughout that the  
12 engineer will be on-site. I'm not sure why this was  
13 miscommunication is. I was never told otherwise.  
14 Because they were agreeing to everything I was asking,  
15 made me gravitate more towards them. It made me see how  
16 qualified they were, how diverse they were, that they  
17 were able to fulfill everything that I was requesting.  
18 And they agreed to everything I was saying, ma'am. I  
19 never was told that they would be taking things off as  
20 we go along.

21 Q Okay. Well, I mean, sitting that aside for a  
22 moment, did you -- did you read these proposals when  
23 they came in? Did you read Exhibit B3, Exhibit K,  
24 exhibit -- the exhibit that was attached to the  
25 contract? Did you read those things when they came in?

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1 check. There's B2, yeah, right there.

2 MR. HARPER: And then should I put that back  
3 in this box?

4 MS. LUKEN: Yeah, sure. Going right ahead.  
5 We're going to call this one B3. All right. All  
6 right. We're ready.

7 BY MS. LUKEN:

8 Q I've put in front of you now Exhibit B3 to  
9 your deposition. And what is that? That's a proposal  
10 from Nature Bridges. What's the date?

11 A August 27, 2012.

12 Q Okay. So does this perhaps -- and what is the  
13 indication on here? This is indicating that certain  
14 permitting would be included?

15 A Yes, ma'am. I am trying to figure -- trying  
16 to find out more about the company, their entire  
17 processes as we're discussing. And so we're discussing  
18 what they will be providing, more about how their  
19 comprised, and -- yes, ma'am. This is reflective of our  
20 discussion.

21 Q All right. So that's a proposal from  
22 August 27th, 2012. And you did not enter into a  
23 contract with Nature Bridges until about a  
24 year-and-a-half later February 2014; correct?

25 A That is correct, ma'am. The dates are

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1 A Ma'am, I've read these things, and I have had  
2 conversations with these things as well. So I'm not  
3 sure what to believe or not to believe anymore, ma'am.  
4 It's a little bit difficult.

5 Q All right. But just suffice to say, I think,  
6 to kind of close out this loop here, we've now looked  
7 at -- and do you agree with me, we've looked at all of  
8 the proposals that you've received from Nature Bridges?

9 A Yes, ma'am. I am. To the best of my ability,  
10 seeing all these proposals. I do know that I've had a  
11 conversation with Santiago at the end. It was at the  
12 time the site visit was canceled, ma'am. That was  
13 the -- before the contract was signed and the site visit  
14 was canceled. I had asked Santiago, "How are we going  
15 to do this? How is it possible for this project to be  
16 complete without having to sit down and gone through  
17 this entire process?"

18 So again, ma'am, that's right after the site  
19 was canceled and the contract being signed. And in the  
20 discussion we had gone through, I had asked him -- okay.  
21 So I asked him, "How is it possible to do this," ma'am.

22 And then that's what he says -- that's when he  
23 identified satellite imagery as a part of his standard  
24 operating procedures. He had identified that they do  
25 this all the time through satellite. At which point I

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1 was very impressed that they were able to coordinate  
2 this large project without having to come to the site,  
3 without having to sit down with me to go through the  
4 plans. They've accepted all these responsibilities and  
5 I had -- furthermore, I had asked them what they wanted  
6 me to do, and he told me that he needed to go to the  
7 site.

8 Q I'm sorry. What was the last part?

9 A He told me that I didn't even need to go to  
10 the site.

11 Q Okay. And these discussions, you're citing --  
12 you claim that those occurred --

13 A They occurred after the site visit was  
14 canceled.

15 Q And do you recall -- all right. What was  
16 the --

17 A It never happened, ma'am. It never happened.  
18 Let me put it that way.

19 Q Okay. And do you recall when that was?

20 A Ma'am, I'm not sure exactly what date that  
21 was. I think it is in one of the Bates-numbered.

22 Q Okay.

23 A And so -- yes, ma'am. So the steps, as I  
24 remember it, is the site visits. That plan just didn't  
25 happen. And then I had called to follow up with, how is

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1 Q -- that are present at this site?

2 A I understand the as-built.

3 Q Yeah.

4 A I'm just --

5 Q It's typically submitted to the permitting  
6 agency after the project is completed. So my question  
7 to you was: Was that ever done?

8 A I need to see my e-mail to see who else was  
9 copied in on it. I'm not sure. Reason why I'm saying  
10 I'm not sure is there were e-mails that I was getting,  
11 there were e-mails that I wasn't getting. I wasn't sure  
12 why that was. So I was a little confused -- and if I  
13 have some gaps. I can verify that in my e-mail, ma'am,  
14 if it was for sure or not.

15 Q Okay. But you didn't obtain -- the as-built  
16 drawing was not obtained until 2016?

17 A Yes, ma'am. It was much later on, ma'am.

18 Q Right. And so my question is -- and I'm not  
19 talking about the notice of violation --

20 A Okay. Yes, ma'am.

21 Q -- 'cause the notice of violation was back in  
22 2015, early 2015.

23 A Yes.

24 Q I'm talking about once you got the as-built  
25 drawing, was that ever submitted to the New Jersey

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1 it possible to do this project?

2 And when we had that conversation and he  
3 basically explained that they'd be -- they had a full  
4 understanding of everything that I was asking and just  
5 verbally having gone through everything. That's really  
6 what prompted me to do the contract in the first plan,  
7 ma'am. Otherwise, I was not comfortable in doing the  
8 contract without having a site visit and having sat down  
9 to go through my plans. His response at that time about  
10 satellite imagery and about everything else we discussed  
11 was really what prompted me to go into the contract in  
12 the first place.

13 Q Okay. Let me ask you a question. Have --  
14 have you submitted to the New Jersey Department of  
15 Environmental Protection the as-built drawing that you  
16 ultimately obtained from Lan?

17 A Yes, ma'am. I believe it was a part of the  
18 notice of the a violation, if I remember correctly. It  
19 is -- it is something I know we had to do. I am not  
20 entirely sure.

21 Q And I'm talking about -- I'm talking about the  
22 as-built drawing. An as-built drawing is a term of art  
23 within the industry that is to reflect the actual  
24 conditions --

25 A Yes, ma'am.

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1 Department of Environmental Protection for their review?

2 A When you say -- ma'am, you just said the  
3 Department of Environmental Protection. There's a lot  
4 of divisions in the DEP. I'm not sure who viewed the  
5 permit there and who didn't. I know there is some  
6 confusion with what the notice of violation is and  
7 exactly what is going with the situation. But I am --

8 MR. HARPER: To try to help, would you take a  
9 look at the -- do not read these because they  
10 are -- they've got my information on them. These  
11 are your e-mails. If that helps -- but it does  
12 help.

13 MS. LUKEN: Okay, okay. Then go right ahead.  
14 That's fine. Normally, I would want to look, but  
15 I'll tell you what --

16 MR. HARPER: If you want to look, I don't  
17 mind.

18 MS. LUKEN: No, I don't.

19 MR. HARPER: What that is, is the stuff that  
20 you already identified as being attorney-client  
21 privilege.

22 MS. LUKEN: I don't want to know.

23 MR. HARPER: No. You don't.

24 BY MS. LUKEN:

25 Q Okay.

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1 All right. So I can't remember if the  
2 question is pending or what.

3 (Record read.)

4 BY MS. LUKEN:

5 Q Let me re-ask that question. The as-built  
6 drawing that was prepared by Lan in 2016 or thereabouts,  
7 was that ever submitted to the New Jersey Department of  
8 Environmental Protection?

9 A Ma'am, as best as I know, Matthew Parker was  
10 dealing with that information; so I'm not sure if -- if  
11 that was done or not.

12 Q Okay. So if Matthew Parker didn't do it, you  
13 don't have any knowledge of anybody else that did?

14 A No, ma'am.

15 Q Okay. All right. How much time do we have  
16 before ...

17 THE COURT REPORTER: It's 57.

18 MS. LUKEN: All right. Well, let's -- let's  
19 do this real quick and then we'll cut this off.  
20 Let me at least touch on this, and then we'll  
21 adjourn and we will live to fight another day.

22 BY MS. LUKEN:

23 Q Okay. Actually, let's do this. I just  
24 thought the better of it. Transcript -- okay. I can  
25 see that.

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1 Yes, ma'am. That's the one. And then he  
2 relayed me to R & R Construction for the actual physical  
3 components that are required to fulfill those  
4 obligations and these obligations in terms of removing  
5 the bridge.

6 Q Okay. Well, let's do -- let's do the Contech  
7 first, then. Okay. Who contacted -- Mr. Jerry Scheider  
8 provided you with a document that's dated April 4th,  
9 2017, and that's Bates-labeled as Chaudhari 253 --

10 A Yes, ma'am.

11 Q -- correct? Okay.

12 So what -- what did you -- how did you become  
13 acquainted with Contech?

14 A I had asked Jerry if it's possible to do  
15 something with this bridge in terms expanding the  
16 length, and also I had e-mailed Jerry. His feedback was  
17 he doesn't deal with these types of bridges, but based  
18 on his field of expertise, that was not a possibility.  
19 And then I had e-mailed Jerry the dimensions of a bridge  
20 that I wanted. And that is when he said that that is--  
21 insufficient information to provide an estimate. That  
22 the estimate of a bridge is not based on size, it's  
23 actually based on hydraulic openings, hydraulic open  
24 requirement, I believe was his -- was what he said when  
25 he mentioned --

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1 (Exhibit L was marked for identification.)

2 BY MS. LUKEN:

3 Q Let me show you Exhibit L. And the lower  
4 right-hand corner of that, what does that say? What  
5 number is that?

6 A 000251.

7 Q Let me get that pulled up. All right. I have  
8 this somewhere else. Hold on.

9 All right. So what -- what is exhibit -- what  
10 is Exhibit L?

11 A It is I -- R & R Construction preliminary  
12 budget.

13 Q Okay. So what -- what is this?

14 A This is the proposal, the preliminary budget  
15 that R & R Construction provided. This is from R & R  
16 Construction, and this is what -- their pricing  
17 information about removal and disposal of the bridge,  
18 and basically just carrying it forward to completion.

19 Q Okay. Let's walk through a couple of these --  
20 these line -- line items here. I believe I understand  
21 55 or -- okay.

22 Well, first off, who is R & R, and how did you  
23 become acquainted with them?

24 A I had e-mailed Contech Engineering to discuss  
25 some aspects of the bridge. That was Jerry Scheider.

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1 Q Okay. What dimensions did you send to him?

2 A I had sent him the dimensions that were on  
3 the -- let me get the e-mail to be specific.

4 Q Sure.

5 A Ma'am, I don't have that e-mail in front of  
6 me, but it was the dimensions that the bridge needed to  
7 be as per -- as per the rendering.

8 Q The site development plan?

9 A Yes, ma'am. Yes, ma'am. That's what I sent  
10 him.

11 Q Okay. And I think we've previously identified  
12 that as being a 34 x 12 foot bridge --

13 A Okay, ma'am.

14 Q -- is that correct?

15 A Yes, ma'am. That's what was mentioned.

16 Q Okay. So you asked Contech to provide you  
17 with a quote for a 32 x 12-foot bridge; is that correct?

18 A It was -- yes. I gave him the dimensions,  
19 32 x 12, 34, whatever it is, yes, and that's what I had  
20 sent him to give me a proposal on. And the feedback  
21 that I got was, was that it was insufficient information  
22 to get an estimate. You need to send me the site plans.

23 Q Okay. And so did you send him -- what did you  
24 send him?

25 A I sent him this one, which is Exhibit --

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Q D?

A Yes, ma'am, Exhibit D.

Q The last page?

A Yes, ma'am.

Q The site development plan?

A Site development plan.

Q Okay. And what -- what happened then?

A Well -- so he identified as hydraulic opening requirements is how you determine what a bridge needs to be; so that is one information that I obtained from him. And then through whatever his interpretation was, he had provided me with what bridge would suit this particular project in his expertise. And that is what came back with the -- with the quote.

Q Okay. So what -- what is this document here?

A So this document here --

Q And we're looking at the Contech of April 4th, 2017.

A Yes, ma'am. This document is Jerry having a -- taking a look at the site plan, making a determination that the CON/SPAN O-series is what he recommends based off the hydraulic opening requirements of the stream.

Q And what size is this bridge?

A This bridge is 41 x 10 feet. No, wait.

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So this estimate includes the driveway as well?

A No, ma'am. This is just for what is mentioned in the supplied materials. It's the -- it says exactly what the costs do not include, and it is reflected to the contractor to perform the set of requirements. And then he relayed me to the contractor to have a site visit, go over the details, and come up with a proposal.

Q Okay. So this is just for a prefabricated bridge --

A Yes, ma'am.

Q -- correct?

A Yes.

Q Okay. So this is not -- not going to be installed. It's not going to include your driveway; it's not going to include any backfill; it's not going to include sealing material, excavation, anything like that, this bridge?

A That is correct, ma'am. That is --

Q It's going to be sent to your site; right?

A Yes, ma'am.

Q Where is this bridge going to go?

A At the proposed location.

Q Okay. And what about the retaining walls that are required under the site development plan?

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Sorry. 41 feet span -- I believe it's 41 x 11, ma'am.

Q Yes, it's 41 feet by about 11. A little bit less than 11.

A Yes, ma'am.

Q Okay. So that's basically double the size of the bridge that you had requested from --

A Yes, ma'am. Yes.

Q -- Nature Bridges?

A That's correct, ma'am.

Q All right. And what is your understanding of this \$122,000? What is that going to buy for you?

A Well, ma'am, the price is what he had mentioned for this particular bridge. That's what I get out of this. And what I have acquired is the understanding of how a bridge estimate is supposed to work.

Q What do you mean "how a bridge estimate is supposed to work"?

A Right. Basically, he has stated that you can't just take a size in determine -- and determine the qualities of a bridge. That is insufficient information.

Q Well, I mean, did you -- all right. Let's -- strike that. I'm not going to worry about that right now.

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A What about the retaining walls? Ma'am, I'm not sure. It would -- yeah, I'm not sure exactly how this bridge is identified to have structurally. I ...

Q Okay. Let's go to the preceding page on that exhibit, Exhibit 4. Sure. And this is something else from R & R Construction.

Who is R & R Construction?

A They are a company recommended by Contech Engineerings. I spoke with Elvin Lopez. He's the one who did the estimate. And they performed, what I recall from the website, a number of tasks and bridge installation and things of that sort are amongst them.

Q Okay. Before we -- before we leave -- and I'm sorry. I directed you away from if, but let's come back to it. For this Contech \$122,000 for a delivered precast concrete bridge --

A Yes, ma'am.

Q -- why do you believe that Nature Bridges should pay for this?

A This is the compliant bridge that was provided. This is the only estimate I have.

Q I mean, you're claiming this is an item of damage against Nature Bridges; right?

A Yes, ma'am.

Q Okay. And why -- why is this something that

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1 Nature Bridges is responsible for?

2 A This is the correct bridge for the project,  
3 ma'am.

4 Q Okay. But you did not order a 41-foot x  
5 11-foot bridge from Nature Bridges, did you?

6 A No, ma'am. I did not order a 41 x 11 feet  
7 bridge with Nature Bridges.

8 Q Okay. So -- I mean, I guess my question is:  
9 If indeed, which I don't agree with, but if I were to  
10 take your position that there is something wrong with  
11 this bridge, which I don't think there is, but just  
12 assuming for the sake of argument for the moment --

13 A Sure ma'am.

14 Q -- why -- why would Nature Bridges ever be  
15 responsible for providing you with a new bridge?

16 A Ma'am, first of all, I don't understand the  
17 cost of bridges, themselves. I don't know if this  
18 bridge is -- if a bridge is expensive because of size or  
19 what makes it's expensive. I'm not sure what the  
20 breakdown is.

21 Q Right.

22 A So I can't really comment on the cost of it  
23 all. I'm not sure if it's because it's twice the size  
24 or what other factors there may be.

25 Q Yeah, 'cause this is just the bridge, this is

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1 in a different area right now. What I'm trying to  
2 figure out is why -- and I'm just trying to figure out  
3 the reasoning here; okay? If you are correct, which  
4 again, I don't agree with.

5 A No, ma'am.

6 Q Please do not take my statements as me  
7 agreeing with you.

8 A I understand, ma'am.

9 Q But just hypothetically, if somebody were to  
10 agree with your position, why would you be entitled to  
11 anything other than your money back and maybe the cost  
12 of removal, if indeed there were requirements for  
13 removal? Why do you think that Nature Bridges is  
14 responsible for redoing your entire project?

15 A Ma'am, I would go back to the contract that we  
16 were speaking about before.

17 Q Sure. The one that says that Nature Bridges  
18 is going to provide you with a 20 x 12-foot bridge,  
19 which is what they did; is that the contract?

20 A That is the contract.

21 Q Okay. So please explain to me why the  
22 contract supports your view, if you could please?

23 A I'm sorry, this does not look right.

24 Q Yeah, the contract is Exhibit E, if I remember  
25 correctly. We've got a lot of paper here. Here you go.

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1 not installation or anything else.

2 A This is just a bridge, but I'm not sure if you  
3 can draw the conclusion that because it's twice the  
4 size, it's this cost. I'm not sure if we can -- at  
5 least, I'm not sure if that's -- if that is the case.

6 Q Right. And I guess my question is just a  
7 little different here. If you're saying that the bridge  
8 is in the wrong location and it needs to be removed;  
9 right? Which appears to be your position, which I'm not  
10 sure why that's your position, but that is your  
11 position; right?

12 A I -- ma'am, after yesterday, I'm not sure.  
13 After speaking with these guys and hearing the  
14 deposition yesterday, I'm not sure what the underlying  
15 factor is. I was promised that the engineer would be  
16 on-site to do a lot of the key inspections that were  
17 needing to be done.

18 Q Uh-huh.

19 A I was promised that from the project manager,  
20 and I heard otherwise from their engineer. There are  
21 issues that I just -- has lead me to -- I just don't  
22 know what has happened the last three or four years,  
23 ma'am. I --

24 Q Okay. Just kind of setting that whole issue  
25 aside for a moment, I'm -- I'm now kind of in a -- I'm

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1 It's right here. Let me staple this before -- oh, wait.  
2 This is something different. So I don't know what that  
3 is.

4 MR. HARPER: I don't care. I just wanted you  
5 to -- I don't care one way or another -- the time.

6 MS. LUKEN: No, I saw your child.

7 THE WITNESS: I'm sorry, that's --

8 MS. LUKEN: I have a picture like that of my  
9 children too. We did that for Halloween one year.  
10 We're going to finish now. We'll finish right now.

11 MR. HARPER: I'm not worried about --

12 MS. LUKEN: We'll finish now. Don't worry  
13 about it. We'll finish this up.

14 THE WITNESS: And what section is the warranty  
15 section?

16 BY MS. LUKEN:

17 Q Okay. And what paragraph number are you  
18 looking at, sir?

19 A This is 14.

20 Q All right. And what is that?

21 A "If any part of the work is determined to be  
22 defective or otherwise the cause of breach of any  
23 contractor warranties, contractor, at his own expense,  
24 shall promptly correct or replace the same as directed  
25 by [indiscernible] owner, and shall repair or replace

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any of the work materials or property damaged or are required to be redone as a result of such correction or replacement. Nothing in this paragraph may be interpreted with strict owner's remedies or the liabilities of contractor for any breach of contract or warranties. Contractor shall comply with all warranty, repair, and replacement obligations in a timely manner."

Q Okay. So we're -- we're not really dealing with a warranty issue here, are we? Because the work is being warranted for one year; right?

A Yes, ma'am. The warranty applies for one year.

Q Uh-huh.

A So far I have obtained opinions as to this bridge as to it's usability, ability to be remedied into something usable, and that has led me to the conclusion at this point. And I will have other issues to address when I get back to New Jersey, but everything so far has pointed to me that it's going to be difficult for this bridge to meet all the requirements. And that is my understanding at this point. And that is --

Q Right. But, I mean, let's just make sure -- make sure that you understand. You're -- yeah. Let's stop.

MR. HARPER: You asked him why -- he thought

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for the install.

Q Yeah, it's basically a -- an area where you create a water freeze zone --

A Yes, ma'am.

Q -- so you can perform work.

A Correct, ma'am. Correct. And so that's basically what it is. It's based on a lot of the components that should have been done as part of the engineering plans.

Q Okay. And who told you that a coffer dam is necessary for this installation?

A Who told me it is necessary?

Q Yes.

A Ma'am, no one told me it was necessary. I had only spoke with Elvin. I did not follow up with him about the pricing.

Q I'm sorry, what was the gentleman's name? Alvin?

A E-L-V-I-N.

Q Okay. And he's the gentlemen from R & R Construction?

A Correct. And this is what he has mentioned as part of -- I don't know if it's their standard operating procedures or what it is, but that's something that only he can comment on or someone else that is familiar with

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that --

MS. LUKEN: No. And I got it. I got it.

MR. HARPER: We'll suggest that what he thinks is right --

MS. LUKEN: No. I understand. I understand.

All right. Let's -- I'm going to let you go in just one minute. Let me just go back to R & R here for one second.

BY MS. LUKEN:

Q Okay. So if I'm -- if I'm reading this correctly, you've gotten an estimate from R & R Construction, or there is a preliminary budget --

A Yes, ma'am.

Q -- of some sort. They have approximately 55,000 for what appears to be removal of the existing structure. Is that you're understanding?

A Yes, ma'am.

Q Okay. What is the remainder of this -- of this for your -- this 78 -- I'm looking at Item No. 105, 110, 120, 125, 130. What is that for?

A My understanding is, ma'am, a lot of these things were needed as part of a civil engineering tree protection, fence, stream crossing protection, implementation of a coffer dam, I think is something that they -- they use for -- as part of the processes

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this type of bridge.

Q Okay. And what did you ask R & R to give to you here?

A I brought him over to the site. I had him take a look at the bridge to have him take a look at the project as entailed where -- so we did a site visit, ma'am, and I then showed him the bridge to be moved. And he analyzed whatever he needed to analyze and just came up with the proposal.

Q Okay. But this proposal is for more than just the removal of the bridge; right?

A Yes, ma'am.

Q Okay. So what's the other -- what are the other things that you asked for him to do -- or give you a price on?

A Ma'am, he followed through on his own and just did the rest. I didn't prompt him on anything. I explained to him, and he did the entire -- I asked for just the bridge removal and bridge installation, and then he came back with this, ma'am.

Q No. That was my question. Bridge removal and bridge installation --

A Yes, ma'am.

Q -- right?

A Yes, ma'am.

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Q Okay. I'm seeing here there's some paving?

A Uh-huh.

Q \$25,000 worth of paving?

A Yes, ma'am, for the bridge approach.

Q So I think even under your view, you agree with me that asphalt paving was not included under any circumstance in your contract with Nature Bridges; correct?

A Yes, ma'am.

Q Okay. So this \$25,000, this would not be Nature Bridges' responsibility under any circumstance instance; would you agree with me?

A Sure, ma'am.

Q Okay. What about this constructing bridge deck. I thought you were having Contech make your bridge for you?

A I'm not too familiar with the -- I haven't gone through any sort of detail with what is entailed in one of their designed bridges.

Q Uh-huh.

A So I'm not sure exactly -- I'm not sure of the exact structural components that are needed. I haven't looked at anything else that I can recall at this time. So I'm not sure -- I'm not sure what the difference is. I am not familiar with their plan.

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been doing, as of late, having gone through this process with two different teams, is to prepare a consumer fraud suit. And I'm looking more and more closely into that process because I believe that this is what's happened.

Q Okay.

A So I'm not sure what the -- what the exact remedies are through -- under a consumer fraud suit, but that is something that I have started to look into.

Q Okay. Well, that's very interesting. Okay. Let's -- here's what we're going to do. We're going to adjourn this deposition for now. This is a temporary suspension. We are going to come back at some point to complete this, and I'll schedule that with your attorney. Oh, shoot.

Before I do that, there was several questions about testing of structure of the bridge. Is there any information that you have obtained since the time that Nature Bridges left the site in September of 2014 that indicates any structural problems with your bridge that's currently on this property?

A Ma'am, I have not had the bridge tested at this time.

Q I'm sorry?

A I have not -- the bridge, I have not hired someone to do a bridge testing at this time.

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Q Okay. Let me ask you a question. If you had received this -- say you had received both of these two quotes back in 2014?

A Yes, ma'am.

Q Would you have gone forward with this project for 400,000 -- no, \$520,000? Somewhere around there?

A Ma'am, at that time, if I knew that this project would end up like this and this project would cost that much, I think I probably would have walked away from both.

Q Uh-huh. Well, this -- the Nature Bridges project, at this point, has only cost you what you paid to Nature Bridges; correct?

A It's cost me three years and counting. It's cost me valuable family time. It has -- it's cost a lot more than it seems.

Q Yeah, and I recognize those things. Unfortunately, our laws do not compensate for lost time, so to speak, and I'm talking about dollars. The dollars that you've actually paid anybody is the 50 -- 47,500 that you paid to Nature Bridges; right?

A Uh-huh.

Q And I'm not sure what else, what other -- what other money you have out of pocket.

A Ma'am -- I'm not an attorney, but what I have

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Q Okay. But I mean, have you seen anything? Have you heard anything? Has anybody told you something?

A I have, yes, come across a lot of literature regarding scouring --

Q Uh-huh.

A -- and protection scouring. And the official bridge testing has not been done, ma'am.

Q Okay. So other than your perusal of literature --

A That is it. It's only limited to perusal. I've been just trying to -- just trying to get an understanding of what I need to do is -- what I was missing up until this point is why these changes happened. They were never disclosed to as the process of when they were happening.

Q Uh-huh.

A They were never disclosed to me in the process of this lawsuit.

Q Uh-huh.

A So I've never realized exactly why these changes were made. And now that I've identified through the deposition yesterday, I will sit down and try to figure what needs to be done next.

Q Okay.

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1 All right. Like I said, we're going to  
2 suspend this deposition and we're going to have to come  
3 back and finish it another time.

4 A Yes, ma'am.

5 Q But I do appreciate your time here today, and  
6 so that's where we're going to end it. And we'll close  
7 off with our court reporter, and we will reconvene at a  
8 later time.

9 (Deposition adjourned at 5:25 p.m.)

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2 CERTIFICATE OF REPORTER

3 STATE OF FLORIDA )

4 COUNTY OF LEON )

5 I, KAIRISA J. MAGEE, PROFESSIONAL COURT  
6 REPORTER, certify that the foregoing proceedings were  
7 taken before me at the time and place therein  
8 designated; that my shorthand notes were thereafter  
9 translated under my supervision; and the foregoing pages  
10 numbered 1 through 205 are a true and correct record of  
11 the aforesaid proceedings.

12 I further certify that I am not a relative,  
13 employee, attorney or counsel of any of the parties, nor  
14 am I a relative or employee of any of the parties'  
15 attorney or counsel connected with the action, nor am I  
16 financially interested in the action.

17 DATED this 27th day of September, 2018.

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*Kairisa Magee*  
KAIRISA J. MAGEE, COURT REPORTER  
kjmccourtreporter@gmail.com  
Notary Public  
Commission #FF 971623  
EXPIRES: March 15, 2020

ACCURATE STENOGRAPHY REPORTERS, INC.

205

1  
2 CERTIFICATE OF OATH

3 STATE OF FLORIDA )  
4 COUNTY OF LEON )

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7  
8 I, the undersigned authority, certify that  
9 the above-named witness personally appeared before me  
10 and was duly sworn.

11  
12 WITNESS my hand and official seal this  
13 27th day of September, 2018.

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*Kairisa Magee*  
KAIRISA J. MAGEE  
kjmccourtreporter@gmail.com  
Notary Public  
Commission #FF 971623  
EXPIRES: March, 2020

ACCURATE STENOGRAPHY REPORTERS, INC.

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Tallahassee, FL 32308  
850.878.2221  
Accuratestenotype.com

September 27, 2018

MR. SAKET CHAUDHARI  
c/o MR. GUS HARPER, ESQUIRE  
1725 Capital Circle, NE, Ste 304  
Tallahassee, FL 32308-0596

In Re: 2/22/18 deposition of SAKET CHAUDHARI  
NATURE BRIDGES vs SAKET CHAUDHARI

Dear Mr. Chaudhari:

This letter is to advise that the transcript  
for the above-referenced deposition has been  
completed and is available for your review and  
signature through GUS HARPER, ESQUIRE, or if you  
wish, you may sign below to waive review of this  
transcript.

The original of this transcript has been  
forwarded to the ordering party and your errata,  
once received, will be forwarded to all ordering  
parties for inclusion in the transcript.

Sincerely,

*Kairisa Magee*  
Kairisa J. Magee  
Court Reporter

Cc: MS. S. ELYSHA LUKEN, ESQUIRE

Waiver:

I, \_\_\_\_\_, hereby waive the reading  
and signing of my deposition transcript.

Deponent Signature

Date

## ERRATA SHEET

I have read the transcript of my deposition, pages 1 through 208 and hereby subscribe to same, including any corrections and/or amendments listed below.

DATE: \_\_\_\_\_

SAKET CHAUDHARI

PAGE/LINE	CORRECTION or AMENDMENT	REASON FOR CHANGE
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[illegible]

DATE OF DEPOSITION: 2/22/18 REPORTER: Kairisa J. Magee